

**OREGON LIQUOR & CANNABIS COMMISSION**  
**CHAPTER 845**  
**PROPOSED AMENDMENTS**

*Note: This draft of proposed amendments has been prepared for the Rules Advisory Committee scheduled for September 6, 2022 to discuss violation reclassification. This is part of a larger package of Bill and Technical amendments. Draft language for additional rules will be provided for the subsequent Rules Advisory Committee scheduled for September 14, 2022.*

**Division 25**  
**RECREATIONAL MARIJUANA**

**845-025-1115**  
**Denial of Application**

(1) The Commission must deny an initial or renewal application if:

(a) An applicant is under the age of 21.

(b) The applicant's land use compatibility statement shows that the proposed land use is prohibited in the applicable zone, if a land use compatibility statement is required.

(c) The proposed licensed premises is located:

(A) [Outside of the State of Oregon.](#)

[\(B\)](#) On federal property.

[\(B\)](#) On reservation or tribal trust land of a federally recognized Indian tribe unless that tribe has entered into an agreement with the State of Oregon which allows licensing of recreational marijuana businesses.

~~(C) At the same location as a producer, retailer, processor, wholesaler, or laboratory license, unless the licenses are of different types and all of the licenses at the location are held or sought by identical applicants. For the purpose of this paragraph, "at the same location" means that any area of the proposed licensed premises is within the licensed premises of another license.~~

~~(d) The location proposed to be licensed is prohibited under OAR 845-025-1230.~~

~~(e)~~[\(d\)](#) The proposed licensed premises of a processor who has applied for an endorsement to process extracts is located in an area that is zoned exclusively for residential use.

~~(f)~~[\(e\)](#) The proposed licensed premises of a retail applicant is located:

(A) Except as provided in ORS 475C.101, within 1,000 feet of:

(i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.

(B) In an area that is zoned exclusively for residential use.

~~(g)~~[\(f\)](#) The proposed licensed premises of a wholesaler applicant is in an area zoned exclusively for residential use.

(hg) A city or county has prohibited the license type for which the applicant is applying, in accordance with ORS 475C.950.

(2) The Commission may deny an initial or renewal application, unless the applicant shows good cause to overcome the denial criteria, if the Commission has reasonable cause to believe that:

(a) The applicant:

(A) Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana, or controlled substances to excess.

(B) Has made false statements to the Commission.

(C) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(D) Is not of good repute and moral character.

(E) Does not have a good record of compliance with ORS 475C.005 to 475C.525, or these rules, prior to or after licensure, including but not limited to:

(i) The giving away of marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind, in violation of ORS 475C.333;

(ii) Providing marijuana items to an individual without checking that the individual is 21 or older;

(iii) Unlicensed transfer of marijuana items for financial consideration; or

(iv) Violations of local ordinances adopted under ORS 475C.449, pending or adjudicated by the local government that adopted the ordinance.

(F) Does not have a good record of compliance with ORS Chapter 471 or any rules adopted thereunder.

(G) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(H) Is unable to understand the laws of this state related to marijuana or these rules. This may be demonstrated by violations documented by the Oregon Health Authority.

(I) For license renewal, has not submitted all fees, forms, documents and information required to act on the renewal application that is pending on or after January 1, 2019 within the time period prescribed by the Commission.

(J) Has, or previously had, an unapproved ownership interest in a license issued by the Commission other than as provided in OAR 845-025-~~1160(4)~~[1165](#).

~~(K) [Has diverted marijuana to the interstate market or an illicit market or has diverted resources to a criminal enterprise.](#)~~

~~(L) [Has introduced into the marijuana industry regulated under ORS 475C.005 to 475C.525 cannabinoids or marijuana not produced or processed by a licensee and not tracked in the system developed and maintained under ORS 475C.177.](#)~~

(L) Has operated as a hemp grower registered or licensed under ORS 571.281 and grown cannabis that was found to be presumptively marijuana under OAR 845-026-4100.(b) Any individual listed on the application has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license, except as specified in ORS 475C.037(3). The Commission may consider factors set forth in ~~sub~~section (8) of this rule to determine if this refusal basis is supported or overcome.

(c) Any applicant is not the legitimate owner of the business proposed to be licensed, or other persons have an ownership interest in the business have not been disclosed to the Commission.

(d) The business proposed to be licensed is located:

(A) At the same physical location or address as a premises licensed under ORS Chapter 471 or as a retail liquor agent appointed by the Commission; ~~or~~

~~(B)~~(B) At the same location as a producer, retailer, processor, wholesaler, or laboratory license, unless the licenses are of different types and all of the licenses at the location are held or sought by identical applicants. For the purpose of this paragraph, "at the same location" means that any area of the proposed licensed premises is within the licensed premises of another license;

(C) At the same address as a producer, retailer, processor, wholesaler, or laboratory license, unless the licenses are of different types and all of the licenses at the location or address are held or sought by identical applicants; ~~or~~

~~(D)~~(D) At the same physical location or address as a premises licensed under ORS 475A.290 or ORS 475A.305.

(e) The location proposed to be licensed is prohibited under OAR 845-025-1230.

(f) The proposed licensed premises of a producer applicant is on the same tax lot as another producer licensee under common ownership.

~~(g)~~(g) The proposed licensed premises of a producer is located on the same tax lot as a site registered with Oregon Department of Agriculture for the production of industrial hemp, unless the applicant submits and the Commission approves a control plan describing how the registered site shall be separated from the premises proposed to be licensed and how the applicant shall prevent transfer of industrial hemp to the licensed premises.

~~(h)~~(h) The applicant proposed to be licensed does not have access to the proposed license premises.

~~(i)~~(i) The proposed licensed premises of the producer applicant is on the same tax lot as another producer licensee and the presence of multiple producers on the same tax lot creates a risk of non-compliance with any of these rules.

~~(j)~~(j) The applicant is a business entity that is required to be registered with the Oregon Secretary of State but has failed to register.

(3) The Commission may refuse to issue a license to any license applicant or refuse to renew the license of any licensee or laboratory licensee when conditions exist in relation to any person having a financial interest in the business or in the place of business which would constitute grounds for refusing

to issue a license or for revocation or suspension of a license if such person were the license applicant, licensee or laboratory licensee.

(4)(a) The Commission may deny any initial or renewal application and may revoke any license if medical marijuana items are produced, processed, stored, sold or transported, to or from the same address or location of licensed business or business proposed to be licensed.

(b) The Commission will not deny an initial application under this subsection if:

(A) The applicant surrenders any registration issued by the Authority for the address or location of the business proposed to be licensed;

(B) If applicable, the applicant notifies all other growers registered by the Authority at the location or address proposed to be licensed, in a form and manner prescribed by the Commission, that the grower is no longer permitted to produce medical marijuana at the address or location proposed to be licensed and must surrender his or her registration at that address or location; and

(C) All medical marijuana activity at the location or address proposed to be licensed ceases prior to being issued an OLCC license.

(5) If the Commission denies an application because an applicant submitted false or misleading information to the Commission, the Commission may prohibit the applicant from re-applying for five years.

(6) The Commission may revoke a license for any of the reasons that it may deny a license.

(7) A notice of denial must be issued in accordance with ORS 183.

(8) Factors that may support or overcome license denial pursuant to subsection (2)(b) of this rule. These factors may have occurred before or after the incident or incidents that are relevant to the specific criterion. The factors may be weighed in favor of the applicant, weighed against the applicant, or weighed neither for nor against the applicant.

(a) Definitions. For purposes of this subsection:

(A) "Administrative violation" means an administrative agency has taken a final action finding that an individual, or a legal entity that the individual is part of, violated a regulation of that administrative agency.

(B) "Compliance risk factors" means factors that show the individual's tendency to disobey laws, rules, and regulations; including but not limited to probation and parole violations, non-relevant convictions, and administrative violations.

(C) "Relevant conviction" means a conviction, other than those listed in ORS 475C.037(3), that involved violence or the threat of violence; dishonesty or deception; drugs, alcohol, or other regulated substances; ~~non-compliance with driver license requirements~~; or a conviction as a felon in possession of a weapon.

(D) "Successful treatment" means:

(i) The Commission receives written confirmation from the individual's licensed treatment provider that the individual completed treatment that is related to a relevant conviction and the Commission has

determined that the individual has not had another conviction for a similar incident since the completion of the treatment; or

(ii) The individual is still in a treatment program that is related to a relevant conviction; however, the Commission receives written confirmation from the individual's licensed treatment provider that the individual has demonstrated sufficient success towards stopping the behavior that led to the conviction and the Commission has determined that the individual has not had another conviction for a similar incident since the date the provider determined that the individual demonstrated sufficient success towards stopping the behavior that led to the conviction.

(b) Upon the Commission's determination that a basis to refuse the application has been established under this criterion, the Commission may consider the following factors and may consider other factors, depending on the facts of the case:

(A) Passage of time, whichever date is later:

(i) Since the date of the most recent incident that led to a relevant conviction, but not counting time spent incarcerated or other factors the Commission determines affect the passage of time; or

(ii) Since the date of the most recent compliance risk factor, but not counting time spent incarcerated or other factors the Commission determines affect the passage of time.

(B) Compliance risk factors.

(C) Successful treatment.

(D) The severity of the individual's relevant conviction record as shown by the number of convictions, whether a conviction was a felony or non-felony, and whether a conviction involved violence or the manufacture or delivery of controlled substances.

(E) The individual's record of compliance with the Commission.

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.033, 475C.037, 475C.053, 475C.065, 475C.085, 475C.093, 475C.097, [475C.198](#), 475C.548 & 475C.950

**History:**

OLCC 34-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 6-2015(Temp), f. 12-22-15, cert. ef. 1-1-16 thru 6-28-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-1160**

**Notification of Changes**

(1) An applicant, licensee, or laboratory licensee must notify the Commission in writing within 10 calendar days of any of the following:

- (a) A change in any contact information for anyone listed in an application or subsequently identified as an applicant;
- (b) A disciplinary proceeding or licensing enforcement action by another governmental entity that may affect the business;
- (c) The temporary closure of the business for longer than 30 days; or
- (d) The permanent closure of the business.

(2) An applicant, licensee, or laboratory licensee must notify the Commission in a manner prescribed by the Commission within 72 hours of an arrest, a citation issued in lieu of arrest, or a conviction for any misdemeanor or felony of an individual listed in an application or subsequently identified as an applicant, or licensee.

(a) Failure to notify the Commission of a conviction within the prescribed timeframe is a Category II violation.

(b) Failure to notify the Commission of an arrest or a citation in lieu of arrest within the prescribed timeframe is a Category III violation. An arrest or citation in lieu of arrest in itself is not a basis for compliance or licensing action but the Commission may investigate the conduct underlying the arrest.

(3) A licensee or laboratory licensee must notify the Commission in a manner prescribed by the Commission as soon as reasonably practical and in no case more than 24 hours from the theft of marijuana items or money from the licensed premises.

~~(4) Changes in Business Structure.~~

~~(a) A licensee or laboratory licensee that changes its ownership structure by adding an individual or legal entity who will meet the qualifications of an applicant as described in OAR 845-025-1045 or by removing an individual or legal entity that is a licensee or laboratory licensee must, prior to making the change, submit:~~

~~(4A) A form prescribed by the Commission; and~~

~~(B) Any information identified in the form to be submitted to the Commission.~~

~~(b) The Commission must review the form and other information submitted under subsection (4)(a) of this rule.~~

~~(c) If the Commission determines that the addition of an individual or legal entity who meets the qualifications of an applicant as described in OAR 845-025-1045 would result in an initial or renewal application denial under OAR 845-025-1115, or serve as the basis of a license suspension or revocation, the licensee may remove that individual or legal entity from the business. If the licensee does not remove that individual or legal entity from the business, the Commission shall propose license suspension or revocation under OAR 845-025-1115.~~

~~(d) Notwithstanding subsection (4)(a) of this rule, a licensee or laboratory licensee does not need to notify the Commission prior to the following changes occurring, but must notify the Commission within 60 calendar days of the following change occurring:~~

~~(A) A shareholder of a publicly traded corporation acquiring or accumulating twenty percent or more of the voting stock.~~

~~(B) A publicly traded corporation adding or removing Principal Officers.~~

~~(5) Change of Ownership. A new application must be submitted in accordance with OAR 845-025-1030 if:~~

~~(a) A business proposes to add or replace a licensee of record; or~~

~~(b) A business proposes a change in its ownership structure that is 51 percent or greater. For the purposes of this rule, a change is considered to be 51 percent or greater if natural persons who did not hold a direct or indirect interest in the business at the start of the license year will collectively hold a direct or indirect interest of 51 percent or greater.~~

~~(6) Change of Location.~~

~~(a) A licensee or laboratory licensee who wishes to change the location of the licensed premises must submit a completed application for the new premises including all required forms and documents and the fee specified in OAR 845-025-1060, but does not need to submit information and fingerprints required for a criminal background check if there are no changes to the individuals listed on the initial application.~~

~~(b) If a licensee or laboratory licensee loses access to the licensed premises, the Commission may allow the licensee or laboratory licensee to change location if:~~

~~(A) The licensee or laboratory licensee submits written notice, in a form and manner prescribed by the Commission, at least 15 days in advance of losing access;~~

~~(B) The licensee or laboratory licensee removes all marijuana items from the licensed premises in compliance with ORS Chapter 475C and these rules prior to losing access;~~

~~(C) The licensee or laboratory licensee is not under investigation for suspected violations of any provision of ORS Chapter 475C or these rules and does not have pending administrative violations;~~

~~(D) The licensee or laboratory licensee supplies documentation showing legal access to a new proposed location within 30 days of losing access to the licensed premises; and~~

~~(E) The licensee or laboratory licensee submits a Land Use Compatibility Statement for the new proposed location from the city or county that authorizes land use where the new location is located and the use is not prohibited.~~

~~(c) The Commission must approve any change of location prior to licensee or laboratory licensee beginning business operations in the new location.~~

~~(7) Addition or Change of Trade Name.~~

(a) A licensee or laboratory licensee must notify and receive approval from the Commission on a form prescribed by the Commission prior to any changes or additions to the business trade name.

(b) The Commission may deny any addition or change to a business trade name.

(5) Violations.

(a) A violation of section (1) or (3) of this rule is a Category III violation.

(b) A violation of section (4) of this rule is a Category IV violation.

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.037 & 475C.045

**History:**

OLCC 40-2022, minor correction filed 03/23/2022, effective 03/23/2022

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OLCC 22-2020, temporary amend filed 10/15/2020, effective 10/15/2020 through 04/12/2021

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-1165**

**Change of Business Structure**

(1) For the purpose of this rule, “change of business structure”:

(a) Means a licensee or laboratory licensee proposes to change its ownership structure by adding an individual or legal entity who will meet the qualifications of an applicant as described in OAR 845-025-1045 or by removing an individual or legal entity that is a licensee or laboratory licensee.

(b) Does not mean a “change of ownership” as described in OAR 845-025-1170.

(2) A licensee or laboratory licensee proposing a change of business structure must, prior to making the change, submit:

(a) A form prescribed by the Commission; and

(b) Any information identified in the form to be submitted to the Commission.

(3) The Commission must review the form and other information submitted under section (2) of this rule. If the Commission determines that the submission appears to be complete, the Commission will notify the licensee or laboratory licensee that the change is conditionally approved.

(4) Notwithstanding section (2) of this rule:

(a) A licensee or laboratory licensee does not need to notify the Commission prior to making the following changes:

(A) A shareholder of a publicly traded corporation acquiring or accumulating twenty percent or more of the voting stock.

(B) A publicly traded corporation adding or removing Principal Officers.

(b) The changes described in subsection (a) of this section are considered conditionally approved if, within 60 calendar days of the changes occurring, the licensee or laboratory licensee submits:

(A) A form prescribed by the Commission; and

(B) Any information identified in the form to be submitted to the Commission.

(c) The Commission must review the form and other information submitted under subsection (b) of this section. If the Commission determines that the submission appears to be complete, the Commission will provide the licensee or laboratory licensee with written confirmation that the change is conditionally approved.

(5) The Commission may withdraw the conditional approval and deny a change requested under sections (2) or (4) of this rule if:

(a) The requested change constitutes a “change of ownership” as described in OAR 845-025-1170.

(b) The Commission determines that the addition of an individual or legal entity who meets the qualifications of an applicant as described in OAR 845-025-1045 would result in an initial or renewal application denial under OAR 845-025-1115, or serve as the basis of a license suspension or revocation.

(c) The Commission determines that the form or information submitted under section (2) or subsection (4)(b) of this rule are incomplete.

(d) The form or information submitted under section (2) or subsection (4)(b) of this rule contains false or misleading information.

(e) The licensee fails to pay the fee specified in OAR 845-025-1060(8)(a) if the Commission requires a criminal background check for any persons that the licensee or laboratory licensee requests to add to the license.

(6) If the Commission denies a change requested under this rule, the licensee or laboratory licensee has a right to a hearing under the procedures of ORS Chapter 183.

(7) Violations. Failure to notify the Commission of changes in business structure as described in this rule is a Category III violation.

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.037 & 475C.189

**History:**

### **845-025-1170**

#### **Change of Ownership**

(1) For the purpose of this rule, “change of ownership”:

(a) Means a licensee or laboratory licensee proposes to:

(A) Add a licensee of record;

(B) Replace a current licensee of record; or

(C) Change its ownership structure such that natural persons who did not hold a direct or indirect interest in the business at the start of the license year will collectively hold a direct or indirect interest of 51 percent or greater.

(b) Does not mean a “change of business structure” as described in OAR 845-025-1165.

(2) To submit a change of ownership request:

(a) The proposed licensee or laboratory licensee must submit a new application in accordance with OAR 845-035-1030; and

(b) The current licensee or laboratory licensee must submit a completed change of ownership notification form, as prescribed by the Commission, signed by the current licensee or laboratory licensee;

(3) The proposed licensee or laboratory licensee may not operate the licensed business until the Commission approves the change of ownership application and grants a license.

(4) The Commission shall review a change of ownership application in accordance with OAR 845-025-1090;

(4) A change of ownership application must be completed in accordance with OAR 845-025-1135.

(5) A change of ownership application may be submitted for a proposed licensed premises at a different location than the current licensed premises if the current licensee or laboratory licensee:

(a) Requests to surrender their license prior to being assigned to a Commission staff member following OAR 845-025-8750, understanding that the license surrender request will be processed even if the change of ownership application is not completed; and

(b) Transfers all marijuana items and hemp items to another license in accordance with their license privileges or destroys any marijuana items and hemp items remaining on the licensed premises in accordance with OAR 845-025-7750; and

(c) Reconciles their inventory in CTS as required by OAR 845-025-7580 so the CTS account shows that there are no active packages or pending transfers.

(6) The Commission may refuse to process a change of ownership application if the change of ownership notification form is submitted by:

(a) A person other than the licensee or licensee representative of the licensed business for which the change of ownership is proposed;

(b) A business that is not currently licensed.

(7) Violations. Allowing a person other than the licensee to operate the licensed business before the Commission approves the change of ownership application is a Category I violation.

Statutory/Other Authority: ORS 475C.017

Statutes/Other Implemented: ORS 475C.037 & 475C.045

History:

### **845-025-1175**

#### **Changing, Altering, or Modifying Licensed Premises**

(1) The Commission issues licenses with the expectation that the licensee will operate the business as proposed at the time of licensing. A licensee may not make any physical changes to the licensed

premises that materially or substantially alter the licensed premises or the usage of the licensed premises from the plans originally approved by the Commission without the Commission's prior written approval.

(2) A licensee who intends to make any material or substantial changes to the licensed premises must submit a form prescribed by the Commission, and submit any information identified in the form to be submitted, to the Commission, prior to making any such changes.

(3) The Commission must review the form and other information submitted under subsection (2) of this rule, and will approve the changes if the changes would not result in an initial or renewal application denial under OAR 845-025-1115.

(4) If the Commission denies the change the licensee must not make the proposed changes. If the licensee makes the proposed changes, the licensee must surrender the license or the Commission will propose to suspend or revoke the license.

(5) If the Commission approves the change, the Commission may require a site inspection of the changed area and a modification of the licensee's security plan prior to the licensee exercising any license privileges.

(6) For purposes of this rule a material or substantial change requiring approval includes, but is not limited to:

(a) Any increase or decrease in the total physical size or capacity of the licensed premises;

(b) The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress or egress, when such common entryway, doorway or passage alters or changes limited access areas, such as the areas in which cultivation, harvesting, processing, or sale of marijuana items occurs within the licensed premises;

(c) Any physical change that would require the installation of additional video surveillance cameras or a change in the security system; or

(d) Any addition or change of location of a primary residence located on the same tax lot as a licensed premises.

[\(7\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.065, 475C.085, 475C.093, 475C.097 & 475C.548

**History:**

OLCC 41-2022, minor correction filed 03/23/2022, effective 03/23/2022

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OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

[845-025-1180](#)  
[Change of Location](#)

(1) For the purpose of this rule, “change of location” means a transfer of a license or laboratory license from the premises for which the license or laboratory license is currently issued to another premises that does not include any part of the premises for which the license or laboratory license is currently issued.

(2) To request a change of location, a licensee or laboratory licensee must submit:

(a) A change of location request form as prescribed by the Commission;

(b) Any additional forms, documents and information identified in the form to be submitted to the Commission;

(c) Additional information requested by the Commission if there is a reason to believe that the information is needed to determine the merits of the change of location request; and

(d) The fee specified in OAR 845-025-1060.

(3) A licensee of laboratory licensee who requests a change of location does not need to submit information and fingerprints required for a criminal background check if there are no changes to the individuals listed on the initial application.

(4) Before the Commission approves a change of location requests, the licensee or laboratory licensee must:

(a) Transfer all marijuana items and hemp items to another license in accordance with their license privileges or destroy any marijuana items and hemp items remaining on the licensed premises in accordance with OAR 845-025-7750; and

(b) Reconcile their inventory in CTS as required by OAR 845-025-7580 so the CTS account shows that there are no active packages or pending transfers.

(5) If a licensee or laboratory licensee loses access to the licensed premises, the Commission may allow the licensee or laboratory licensee to change location if~~;~~:

(a) The licensee or laboratory licensee submits written notice, in a form and manner prescribed by the Commission, at least 15 days in advance of losing access~~;~~;

(b) The licensee or laboratory licensee removes all marijuana items from the licensed premises in compliance with ORS Chapter 475C and these rules prior to losing access~~;~~;

(c) The licensee or laboratory licensee is not under investigation for suspected violations of any provision of ORS Chapter 475C or these rules and does not have pending administrative violations~~;~~;

(d) The licensee or laboratory licensee supplies documentation showing legal access to a new proposed location within 30 days of losing access to the licensed premises; and

(e) The licensee or laboratory licensee submits a Land Use Compatibility Statement for the new proposed location from the city or county that authorizes land use where the new location is located and the use is not prohibited.~~6789~~

(6) The licensee or laboratory licensee may not begin engaging in activities that require a license in the new location prior to the Commission approving a change of location request.

(7) The Commission shall review a change of location request to determine if it is complete. A request may be considered incomplete if an application form is not complete, the fee specified in OAR 845-025-1060 has not been paid, or some or all of the additional information required under these rules is not submitted.

(a) The licensee or laboratory licensee will be notified in writing that its request is incomplete and has been inactivated by the Commission.

(b) The licensee or laboratory licensee may submit a written request for reconsideration of a decision that a change of location request is incomplete. Such a request must be received by the Commission within 10 calendar days of the date the incomplete notice was sent or transmitted to the licensee or laboratory licensee. The Commission may give the licensee or laboratory licensee the opportunity to be heard if change of location request is inactivated. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(8) The Commission may deny a change of location request for any of the reasons that it may deny a license under OAR 845-025-1115. If the Commission denies a change of location request, the licensee or laboratory licensee has a right to a hearing under the procedures of ORS Chapter 183.

(9) The Commission will refuse to process a change of location request submitted by:

(a) A person other than the licensee or licensee representative of the licensed business for which the change of ownership is proposed;

(b) A business that is not currently licensed.

(10) The Commission may allow a marijuana retailer to change its location if the Commission becomes aware that a school established prior to issuance of the license is located within 1,000 feet of the retailer's premises.

(10) Violations. A violation of this rule is a Category II violation.

Statutory/Other Authority: ORS 475C.017

Statutes/Other Implemented: ORS 475C.037 & 475C.045

History:

## **845-025-1200**

### **Financial and Business Records**

In addition to any other recordkeeping requirements in these rules, a licensee or laboratory licensee must have and maintain records that clearly reflect all financial transactions and the financial condition of the business. The following records may be kept in either paper or electronic form and must be maintained for a three-year period and must be made available for inspection if requested by an employee of the Commission:

(1) Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of marijuana items that include from whom the items were purchased and the date of purchase;

(2) Bank statements for any accounts relating to the licensed business;

- (3) Accounting and tax records related to the licensed business;
- (4) Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business;
- (5) All employee records, including training; and
- (6) Information relating to the structure and ownership of the business, including:
  - (a) A list of all individuals and legal entities who are applicants as described in OAR 845-025-1045;
  - (b) For each legal entity that is an applicant as described in OAR 845-025-1045, complete information about the ownership structure of that legal entity; and
  - (c) A list of all individuals and legal entities who are entitled to receive a portion of revenue, proceeds, or profits from the business.

[\(7\) Violations. Failure to keep a required financial or business record is a Category II violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.157

**History:**

OLCC 43-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-1215**

**Standardized Scales**

- (1) A licensee shall use an Oregon Department of Agriculture licensed weighing device as defined in ORS [Chapter 618](#) and OAR [chapter 603](#), [Division 27](#):
  - (a) Whenever marijuana items are bought and sold by weight;
  - (b) Whenever marijuana items are packaged for sale by weight;
  - (c) Whenever marijuana items are weighed for entry into CTS; and,
  - (d) Whenever the weighing device is used commercially as defined in ORS 618.010.
- (2) Notwithstanding the requirements in sections (1) of this rule, a laboratory licensee may utilize any scale permitted by ORELAP under OAR [chapter 333](#), [Division 64](#).

[\(3\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017, ORS 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.065, 475C.085, 475C.093 & 475C.097

**History:**

OLCC 44-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-1230**

**Licensed Premises Restrictions and Requirements**

(1) A licensed premises may not be located:

(a) On federal property; or

(b) At the same physical location or address as a:

(A) Medical marijuana grow site registered under ORS 475C.792;

(B) Medical marijuana processing site registered under ORS 475C.815;

(C) Medical marijuana dispensary registered under ORS 475C.833; or

(D) Liquor license licensed under ORS Chapter 471 or as a retail liquor agent appointed by the Commission.

(2) The licensed premises of a producer applicant may not be on:

(a) Public land; or

(b) The same tax lot as another producer licensee under common ownership.

(3) The licensed premises of a retailer may not be located:

(a) Except as provided in ORS 475C.101, within 1,000 feet of:

(A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.

(b) In an area that is zoned exclusively for residential use.

(4) The licensed premises of a processor who has an endorsement to process extracts may not be located in an area that is zoned exclusively for residential use.

(5) The licensed premises of a processor, wholesaler, laboratory and retailer must be enclosed on all sides by permanent walls and doors. A processor ~~or~~ wholesaler, or laboratory licensee may be exempt from this requirement if the processor or wholesaler or laboratory licensee can show in its security plan how the licensee will maintain security within an unenclosed area, and the Commission determines it does not present a risk to public health and safety.

(6) A licensee may not permit:

(a) Any minor to work or be on a licensed premises except as described in this rule; or

(b) On-site consumption of a marijuana item, alcohol, or other intoxicant by any individual, except that a licensee representative who has a current registry identification card issued under ORS 475C.783 may consume marijuana during his or her work shift on the licensed premises as necessary for his or her medical condition, if the employee is alone, in a closed room and not visible to others outside the room. A licensee representative who consumes a marijuana item as permitted under this section may not be intoxicated while on duty. For purposes of this section allowable on-site consumption in an enclosed

area, as that as defined in OAR 333-015-0030 does not include smoking, combusting, inhaling, vaporizing, or aerosolizing a marijuana item.

(7) A licensee may permit a minor to be on the licensed premises, if the minor:

(a) Has a legitimate business purpose for being on the licensed premises. For example, a minor plumber may be on the premises in order to make a repair;

(b) Passes through the licensed area of an outdoor producer in order to reach an unlicensed area, so long as the minor is not present in areas that contain marijuana items;

(c) Resides on the tax lot where a marijuana producer is licensed, so long as the minor is not present in areas of a producer's licensed premises that contain usable marijuana or cut and drying marijuana plants; or

(d) Is a current Oregon Medical Marijuana Program cardholder or designated primary caregiver and is over eighteen years of age.

(8) A licensee must clearly identify all limited access areas in accordance with OAR 845-025-1245.

(9) Log. A licensee must keep a daily log of all employees and permitted visitors who perform work on the licensed premises, except for Commission employees and other state or local government officials acting in an official capacity who have jurisdiction over some aspect of the licensed premises or operation.

(a) In CTS, a licensee must record the following information for each current employee and licensee representative:

(A) For an employee or licensee representative required to have a marijuana worker permit, the permit number and name of the individual as they appear on the marijuana worker permit.

(B) For an employee or licensee representative not required to have a marijuana worker permit, the name and date of birth of the individual as this information is displayed on valid government-issued ID.

(b) All employees and permitted visitors, present on the licensed premises must wear clothing or a badge issued by the licensee that easily identifies the individual as an employee or permitted visitors. A visitor badge is not required for government officials.

(c) All permitted visitors must be accompanied by a licensee representative at all times.

(d) On the daily log, a licensee must record the name and date of birth as this information is displayed on valid government-issued ID for every contractor who performs work on the licensed premises. If the contractor is licensed by the State of Oregon, the licensee must also record the contractor's license number.

(e) A licensee must maintain a copy of the daily log required by this rule for a period of at least 90 days.

(10) Permitted Visitors. The general public is not permitted in limited access areas on a licensed premises, except for the consumer sales area of a retailer. In addition to licensee representatives, the following visitors are permitted to be present in limited access areas on a licensed premises, subject to the requirements of this rule and other pertinent rules:

(a) Laboratory personnel, if the laboratory is licensed by the Commission;

(b) A contractor, vendor or service provider authorized by a licensee representative to be on the licensed premises;

(c) Another licensee or that licensee's representative;

(d) Invited guests as defined in OAR 845-025-1015 subject to requirements of this rule; or

(e) Tour groups as permitted by this rule.

(11) Producer Tours. A marijuana producer or research certificate holder may offer tours of the licensed premises, including limited access areas, to the general public ~~if the licensee submits a control plan in writing and the plan is approved by the Commission, a~~ All members of a tour group must sign in on the daily log.

~~(a) The plan must describe how conduct of the individuals on the tour will be monitored, how access to usable marijuana will be limited, and what steps the licensee will take to ensure that no minors are permitted on the licensed premises.~~

~~(b) The Commission may withdraw approval of the control plan if the Commission finds there is poor compliance with the plan. Poor compliance may be indicated by, for example, individuals on the tour not being adequately supervised, an individual on the tour obtaining a marijuana item while on the tour, a minor being part of a tour, or the tours creating a public nuisance.~~

(12) Nothing in this rule is intended to prevent or prohibit Commission employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the licensed premises or licensee from being on the licensed premises. When Commission employees identify themselves, these employees shall present Commission-issued identification while performing their job duties, but are not required to provide a date of birth or any form of identification listed ORS 475C.217.

(13) A licensee may not sublet any portion of a licensed premises.

(14) A licensed premises may receive marijuana items only from a marijuana producer, marijuana processor, or marijuana wholesaler for whom a premises has been licensed by the Commission or as otherwise provided by these rules.

(15) A licensed wholesaler or retailer who sells or handles food, as that term is defined in ORS 616.695, or cannabinoid edibles must also be licensed by the Oregon Department of Agriculture under ORS 616.706.

#### (16) Violations.

(a) A violation of section (6) of this rule is a Category III violation.

(b) A violation of subsection (9)(a) of this rule is a Category IV violation. All other violations of section (9) of this rule are Category V violations.

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** 475C.085, 475C.093, 475C.097, ORS 475C.001, 475C.225, 475C.317 & 475C.377

#### **History:**

OLCC 45-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

### **845-025-1245**

#### **Signage**

(1) A licensee must post:

(a) At every licensed premises signs that read:

(A) “No Minors Permitted Anywhere on This Premises”; and

(B) “No On-Site Consumption of Marijuana”; and

(b) At all areas of ingress or egress to a limited access area a sign that reads: “Do Not Enter – Limited Access Area – Access Limited to Licensed Personnel and Escorted Visitors.”

(2) All signs required by this rule must be:

(a) Legible, not less than 12 inches wide and 12 inches long, composed of letters not less than one-half inch in height;

(b) In English and Spanish; and

(c) Posted in a conspicuous location where the signs can be easily read by individuals on the licensee premises.

[\(3\) Violations. A violation of this rule is a Category IV violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.317

#### **History:**

OLCC 46-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

### **845-025-1290**

#### **Licensee Responsibility**

[A licensee or laboratory](#) licensee is responsible for:

(1) The violation of any administrative rule of the Commission; any provision of ORS ~~e~~Chapter 475C affecting the ~~licensee's~~ license privileges of a licensee or laboratory licensee.

(2) Any act or omission of a licensee representative in violation of any administrative rule of the Commission or any provision of ORS ~~e~~Chapter 475C affecting the ~~licensee's~~ license privileges of a licensee or laboratory licensee.

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.017

#### **History:**

OLCC 49-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

### **845-025-1295**

#### **Local Ordinances**

(1) The Commission may impose a civil penalty, or suspend ~~or revoke~~ any license for failure to comply with an ordinance adopted by a city or county pursuant ORS 475C.449 if the city or county:

(1a) Has provided the licensee with due process substantially similar to the due process provided to a licensee under the Administrative Procedures Act, ORS 183.413 to 183.470; and

(2b) Provides the Commission with a final order that is substantially similar to the requirements for a final order under ORS 183.470 that establishes that the licensee has violated the local ordinance.

(2) Violations. A violation of a local ordinance subject to this rule is a Category III violation.

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.449

#### **History:**

OLCC 50-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 2-2020, minor correction filed 01/23/2020, effective 01/23/2020

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

### **845-025-1300**

#### **Licensee Prohibitions**

(1) A licensee may not:

(a) Import into this state or export from this state any marijuana items;

(b) Give marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or game of skill, or competition of any kind;

(c) Sell, give, or otherwise make available any marijuana items to any person who is visibly intoxicated;

(d) Make false representations or statements to the Commission in order to induce or prevent action by the Commission;

(e) Maintain a noisy, disorderly, or insanitary establishment or supply adulterated marijuana items;

(f) Misrepresent any marijuana item to a customer or to the public;

(g) Sell any marijuana item through a drive-up or walk-up window;

(h) Deliver or transfer marijuana items to any consumer off the licensed premises or to any unlicensed location except as permitted by OAR 845-025-2500 or OAR 845-025-2880;

(i) Sell or offer to sell a marijuana item that does not comply with the minimum standards prescribed by the statutory laws of this state; or

(j) Use or allow the use of a mark or label on the container of a marijuana item that is kept for sale if the container does not precisely and clearly indicate the nature of the container's contents or in any way might deceive a customer as to the nature, composition, quantity, age or quality of the marijuana item.

(2) No licensee or licensee representative may be under the influence of intoxicants while on duty.

(a) For purposes of this rule "on duty" means:

(A) The beginning of a work shift that involves the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, to the end of the shift including all breaks;

(B) For an individual working outside a scheduled work shift, the performance of acts on behalf of the licensee that involve the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, if the individual has the authority to put himself or herself on duty; or

(C) A work shift that includes supervising those who handle or sell marijuana items, check identification or control the licensed premises.

(b) Whether a person is paid or scheduled for work is not determinative of whether the person is considered "on duty" under this subsection.

### (3) Violations.

(a) A violation of subsection (1)(a), (1)(d)through (1)(f), (1)(h), or (1)(i) of this rule is a Category I violation.

(b) A violation of subsection (1)(b), (1)(c), or (1)(g) or section (2) of this rule is a Category II violation.

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.229, 475C.233, 475C.237, 475C.245, 475C.329 & 475C.333

### **History:**

OLCC 51-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

### **845-025-1330**

#### **Trade Samples**

(1) For purposes of this rule, "cannabinoid product line" means ~~industrial~~ hemp cannabinoid products ~~as defined in 845-025-1015(43)(a)(C)~~ or marijuana cannabinoid products that may differ in flavor, color, or total delta-9-THC concentration or total CBD concentration but may not differ in net quantity or any other characteristic.

(2) The following licensees and hemp certificate holders may provide samples within the limits listed below to licensees for the purpose of determining whether to purchase the product.

(a) A producer may provide a sample of:

(A) Usable marijuana, or kief to a marijuana producer, wholesaler, retailer or processor licensee; or

(B) A cannabinoid product, cannabinoid extract, or cannabinoid concentrate that was made using only marijuana produced by the producer to a marijuana processor, wholesaler, or retailer.

(b) A processor may provide a sample of:

(A) A cannabinoid product, concentrate, or extract to a marijuana producer, processor, wholesaler, or retailer; or

(B) A hemp concentrate, extract, or cannabinoid product to a marijuana processor, wholesaler, or retailer.

(c) A wholesaler may provide a sample of usable marijuana, a cannabinoid product, concentrate or extract, or a hemp item to a marijuana wholesaler, retailer, or processor licensee.

(d) A hemp handler certificate holder may provide a sample of a hemp item to a marijuana wholesaler, retailer, or processor licensee.

(3) The trade samples provided under this section:

(a) May not be consumed or used on a licensed premises;

(b) May not be sold to another licensee or consumer;

(c) Must be transported in compliance with OAR 845-025-7700; and

(d) Must be tested in accordance with OAR ~~333-007-0300 to 333-007-0500~~[chapter 333, division 7](#).

(4) Trade Sample limits.

(a) A licensee is limited to providing the following aggregate amounts of trade samples to an individual recipient licensee in a calendar month period:

(A) ~~5~~[Five](#) grams per strain and no more than ~~6~~[six](#) strains of usable marijuana or usable hemp;

(B) ~~5~~[Five](#) grams of cannabinoid or hemp concentrates or extracts; and

(C) ~~5~~[Five](#) units of sale per cannabinoid product line and no more than ~~6~~[six](#) individual cannabinoid product lines.

(b) A wholesale licensee is limited to providing the following aggregate amounts of trade samples per originating licensee to an individual recipient licensee in a calendar month:

(A) ~~5~~[Five](#) grams per strain and no more than ~~6~~[six](#) strains of usable marijuana or usable hemp;

(B) ~~5~~[Five](#) grams of cannabinoid or hemp concentrates or extracts; and

(C) ~~5~~[Five](#) units of sale per cannabinoid product line and no more than ~~6~~[six](#) individual cannabinoid product lines.

(5) Any sample given to a licensee shall have a label containing the following in any legible font that is at least ~~1/16th~~[one-sixteenth](#) of an inch in height based on the lower case "o":

(a) A statement that reads: "TRADE SAMPLE NOT FOR RESALE" in bold, capital letters attached to the trade sample;

(b) The product identity;

(c) The UID; and

(d) The net weight or contents of the trade sample.

(6) Reconciliation in CTS.

(a) When assigning and affixing the UID tag, a licensee or hemp certificate holder must designate samples as trade samples in CTS.

(b) Notwithstanding OAR 845-025-7520(3), each cannabinoid product line intended as a trade sample must be assigned a single unique product line name in CTS and may be assigned a single UID tag.

(c) Licensees accepting trade samples may provide their employees with samples of hemp or marijuana items.

(d) When providing an employee a sample of a hemp or marijuana item, a licensee must record the following in CTS:

(A) The reduction in quantity of the total weight or item count as applicable under the associated UID for the item;

(B) The date and time the sample was provided to the employee;

(C) The worker permit number of the employee receiving the sample; and

(D) The name of the employee as it appears on their worker permit.

[\(7\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**History:**

OLCC 53-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

**845-025-1360**

**Quality Control Samples**

(1) Producer licensees, processor licensees, and hemp handler certificate holders may provide sample marijuana items or hemp items directly to their own license representatives for the purpose of quality control and product development.

(2) The sample marijuana items or hemp items may not be consumed or used on a licensed premises.

(3) The sample marijuana items or hemp items may not be provided to or resold to another licensee or consumer.

(4) Any sample provided under this rule must be recorded in CTS. When providing an employee or licensee representative a sample of a hemp or marijuana item, a licensee must record the following in CTS:

- (a) The reduction in quantity of the total weight or item count as applicable under the associated UID for the item;
- (b) The date and time the sample was provided to the employee or licensee representative;
- (c) The worker permit number of the employee or licensee representative receiving the sample; and
- (d) The name of the employee or licensee representative as it appears on their worker permit.

(5) A producer licensee may provide the following amounts of sample marijuana items:

- (a) Twenty-eight ~~(28)~~ grams of usable marijuana per strain harvested in a 72 hour period;
- (b) Five ~~(5)~~ grams of kief per process lot; and
- (c) Five ~~(5)~~ grams of cannabinoid concentrates per process lot if the producer holds a concentrate endorsement under OAR 845-025-2025.

(6) A processor licensee is limited to providing a total of the following amounts of sample marijuana items or hemp items:

- (a) Five ~~(5)~~ grams of cannabinoid concentrates or extracts or hemp concentrates or extracts per process lot; and
- (b) Twelve ~~(12)~~ individual units of sale per process lot for other cannabinoid products or ~~industrial~~ hemp cannabinoid ~~product as defined in OAR 845-025-1015(38)~~[\(products.](#)

[\(7\) Violations. A violation of this rule is a ~~\(C\)~~ Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065 & 475C.085

**Statutes/Other Implemented:** ORS 475C.017, 475C.065 & 475C.085

**History:**

OLCC 55-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

**845-025-1410**

**Security Requirements**

- (1) A licensee is responsible for the security of all marijuana items on the licensed premises or in transit, including providing adequate safeguards against theft or diversion of marijuana items and records that are required to be kept.
- (2) The licensee must ensure that commercial grade, non-residential door locks are installed on every external door, and gate if applicable, of a licensed premises where marijuana items are present.
- (3) During all hours when the licensee is not operating a licensee must ensure that:

- (a) All points of ingress and egress from a licensed premises are securely locked and any keys or key codes to the enclosed area remain in the possession of the licensee, licensee representative, or authorized personnel;
  - (b) All usable marijuana, cut and drying mature marijuana plants, cannabinoid concentrates, extracts or products on the licensed premises of a licensee other than a retailer are kept in a locked, enclosed area within the licensed premises that is secured with at a minimum, a properly installed steel door with a steel frame, and a commercial grade, non-residential door lock; and
  - (c) Except for immature marijuana plants, all marijuana items on a licensed retailer's premises are kept in a locked, secured location or enclosure within any area such that marijuana items are not visible from any area outside the licensed premises.
- (4) A licensee must:
- (a) Have an electronic back-up system for all electronic records; and
  - (b) Keep all video recordings and archived required records not stored electronically in a locked storage area. Current records may be kept in a locked cupboard or desk outside the locked storage area during hours when the licensed business is open.

[\(5\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**History:**

OLCC 58-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-1420**

**Alarm System**

- (1) A licensed premises must have a fully operational security alarm system, activated at all times when the licensed premises is closed for business.
- (2) The security alarm system for the licensed premises must:
  - (a) Be able to detect unauthorized entry onto the licensed premises and unauthorized activity within any limited access area where mature marijuana plants, usable marijuana, cannabinoid concentrates, extracts or products are present;
  - (b) Be programmed to notify a the licensee, licensee representative or authorized personnel in the event of an unauthorized entry; and
  - (c) Have a mechanism to ensure that the licensee, licensee's employees and authorized representatives can immediately notify law enforcement or a security company of any unauthorized entry. This subsection may be satisfied in one of the following ways:

(A) Having at least two operational “panic buttons” located inside the licensed premises that are linked with the alarm system that immediately notifies a security company or law enforcement; or

(B) Having operational “panic buttons” physically carried by all licensee representatives present on the licensed premises that are linked with the alarm system that immediately notifies a security company or law enforcement; or

(C) Having a landline telephone present in all limited access areas that is capable of immediately calling a security company or law enforcement.

(3) A licensee that has at least one authorized representative physically present on the licensed premises at all times when it is closed for business is not required to comply with section (1) and subsections (2)(a) and (2)(b) of this rule.

(4) Upon request, licensees shall make all information related to security alarm systems, monitoring and alarm activity available to the Commission.

(5) Violations. A violation of this rule is a Category III violation.

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**History:**

OLCC 59-2022, minor correction filed 03/23/2022, effective 03/23/2022

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OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-1430**

**Video Surveillance Equipment**

(1) A licensed premises must have a fully operational video surveillance recording system.

(2) Video surveillance equipment must, at a minimum:

(a) Consist of:

(A) Digital or network video recorders;

(B) Cameras capable of meeting the requirements of OAR 845-025-1450 and this rule;

(C) Video monitors;

(D) Digital archiving devices;

(E) A minimum of one monitor on premises capable of viewing video; and

(F) Interface devices, if required to adequately operate system or machinery such as a mouse and keyboard.

(b) Have the capability of producing and printing a still photograph from any camera image;

(c) Be equipped with a failure notification system that provides, within one hour, notification to an authorized representative of any prolonged surveillance interruption or failure; and

(d) Have sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.

(3) Except for mounted cameras and monitors, all video surveillance equipment and recordings must be stored in a locked secure area that is accessible only to authorized personnel, Commission employees and contractors, and other state or local government officials that have jurisdiction over some aspect of the licensed premises or licensee.

(4) Violations.

(a) A violation of this rule is a Category III violation. If a violation of this rule that is repeated within a two year period is a Category II violation.

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**History:**

OLCC 60-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-1460**

**Location and Maintenance of Surveillance Equipment**

(1) A licensee must:

(a) Have the surveillance room or surveillance area in a limited access area; and

(b) Have the surveillance recording equipment housed in a designated, locked, and secured room or other enclosure with access limited to:

(A) The licensee, licensee representatives, and authorized personnel;

(B) Employees of the Commission;

(C) State or local law enforcement agencies for a purpose authorized under ORS Chapter 475C, these rules, or for any other state or local law enforcement purpose; and

(D) Service personnel or contractors.

(2) Off-site storage must be secure and the recordings must be kept in a format approved by the Commission that can be easily accessed for viewing and easily reproduced.

(3) A licensee must keep a current list of all authorized employees and service personnel who have access to the surveillance system and room on the licensed premises.

(4) Licensees must keep a surveillance equipment maintenance activity log on the licensed premises to record all service activity including the identity of any individual performing the service, the service date and time and the reason for service to the surveillance system.

(5) Off-site monitoring of the licensed premises by a licensee or an independent third-party is authorized as long as standards exercised at the remote location meet or exceed all standards for on-site monitoring.

[\(6\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**History:**

OLCC 63-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-1470**

**Producer Security Requirements**

(1) A producer must effectively prevent public access to all areas of the licensed premises used in the production of marijuana. In addition to the security requirements in OAR 845-025-1400 to 845-025-1460, a producer's approved security plan as described in OAR 845-025-1400 must include a method to prevent public access to all areas of the licensed premises used in the production of marijuana.

(2) If a producer chooses to dispose of marijuana items by any method of composting, as described in OAR 845-025-7750, the producer must prevent public access to the composting area.

[\(3\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & 475C.065

**Statutes/Other Implemented:** ORS 475C.017 & 475C.065

**History:**

OLCC 64-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-1600**

**State and Local Safety Inspections**

(1) All marijuana licensees may be subject to inspection of licensed premises by state or local government officials to determine compliance with state or local health and safety laws.

(2) A licensee must contact any utility provider to ensure that the licensee complies with any local ordinance or utility requirements such as water use, discharge into the sewer system, or electrical use.

[\(3\) Violations. Failure to comply with state and local safety inspection requirements described in this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**History:**

OLCC 65-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

## **845-025-1620**

### **General Sanitary Requirements**

(1) A marijuana licensee must:

(1a) Prohibit an individual from working on a licensed premises, until the condition is corrected, who has or appears to have:

(aA) An open or draining skin lesion unless the individual wears an absorbent dressing and protective gloves; or

(bB) Any illness accompanied by diarrhea or vomiting if the individual has a reasonable possibility of contact with marijuana items on the licensed premises.

(2b) Require all persons who work in direct contact with marijuana items conform to hygienic practices while on duty, including but not limited to:

(aA) Maintaining adequate personal cleanliness; and

(bB) Washing hands thoroughly in an adequate hand-washing area before starting work, prior to having contact with a marijuana item and at any other time when the hands may have become soiled or contaminated.

(3c) Provide hand-washing facilities adequate and convenient, furnished with running water at a suitable temperature and provided with effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying device.

(4d) Properly remove all litter and waste from the licensed premises and maintain the operating systems for waste disposal in an adequate manner so that they do not constitute a source of contamination in areas where marijuana items are exposed.

(5e) Provide employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

(6f) Hold marijuana items that can support pathogenic microorganism growth or toxic formation in a manner that prevents the growth of these pathogenic microorganism or formation toxins.

(2) Violations. A violation of this rule is a Category II violation.

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.245

#### **History:**

OLCC 66-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

## **845-025-2020**

### **Producer Privileges; Prohibitions**

(1) A producer may:

- (a) Possess, plant, cultivate, grow, harvest and dry marijuana in the manner approved by the Commission and consistent with ORS 475C and these rules;
  - (b) Engage in indoor or outdoor production of marijuana, or a combination of the two;
  - (c) Produce kief as that term is defined in ORS 475C.089 and possess kief produced by the producer.
- (A) A producer who produces kief is not a marijuana processor ~~as defined in~~ [for the purposes of](#) OAR 845-025-~~321~~045.
- (B) Kief produced under this rule may not be used in a cannabinoid edible unless the producer complies with all provisions set forth in OAR 845-025-3250.
- (d) Sell, transfer, transport, and deliver:
- (A) Usable marijuana to the licensed premises of a producer under common ownership, a processor, wholesaler, retailer, laboratory, non-profit dispensary, or research certificate holder;
  - (B) Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a producer under common ownership, a processor, wholesaler, non-profit dispensary or research certificate holder;
  - (C) Immature marijuana plants and seeds to the licensed premises of a marijuana producer, wholesaler, retailer or research certificate holder;
  - (D) Mature marijuana plants or kief to the licensed premises of a producer under common ownership;
  - (E) Kief, as that term is defined in ORS 475C.089, manufactured by the producer, to the licensed premises of a marijuana processor, producer under common ownership, wholesaler, retailer, laboratory, or research certificate holder;
  - (F) Cannabinoid concentrates manufactured by the producer to the licensed premises of a marijuana processor, wholesaler, retailer, laboratory, or research certificate holder if the producer holds a concentrate endorsement under OAR 845-025-2025;
  - (G) Cannabinoid products, cannabinoid extracts and cannabinoid concentrates that were made using only marijuana produced by the producer to the licensed premises of a processor, wholesaler, or retailer;
  - (H) Marijuana waste to a producer, processor, wholesaler, or research certificate holder;
  - (I) Trade samples to a producer, processor, wholesaler, or retailer licensee, only as allowed under OAR 845-025-1330; and
  - (J) Quality control samples to a license representative of the producer licensee, only as allowed under OAR 845-025-1360.
- (e) Purchase and receive:
- (A) Immature marijuana plants and seeds from a producer, wholesaler, retailer, or research certificate holder;
  - (B) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder;

(C) Usable marijuana produced by the licensee that has been stored by a wholesaler on the producer's behalf;

(D) Marijuana ~~and~~ mature marijuana plants, and kief from a producer under common ownership;

(E) Marijuana produced by the licensee that was not processed by a processor;

(F) Cannabinoid products, cannabinoid extracts and cannabinoid concentrates from a marijuana processor that were made using only marijuana produced by the receiving producer;

(G) Up to 200 marijuana seeds in total per month from any sources within the State of Oregon other than a licensee, laboratory licensee, or research certificate holder; and

(H) Trade samples from a producer or processor licensee, as allowed under these rules.

(f) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR ~~333-007-0300 to 333-007-0500~~ chapter 333, division 7.

(g) Accept or make returns, as long as the producer:

(A) Accepts or returns usable marijuana, kief, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Accepts or returns cannabinoid concentrates, if the producer holds a concentrate endorsement under OAR 845-025-2025;

(C) Only accepts or returns eligible items listed in paragraph (A) or (B) of this subsection from the original licensee whom received or purchased the item; and

(D) Accurately records the transaction in the CTS.

(2) A producer may not:

(a) Possess, plant, cultivate, grow, harvest, dry, sell, deliver, transfer, transport, purchase, or receive any marijuana item other than as provided in:

(A) Section (1) of this rule;

(B) OAR 845-025-2025, if the producer has an approved concentrate endorsement; or

(C) OAR 845-025-2550, if the producer has been properly registered by the Commission.

~~(b)~~ (b) Process marijuana items other than as provided in:

(A) Section (1) of this rule; or

(B) OAR 845-025-2025, if the producer has an approved concentrate endorsement.

(c) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially derived cannabinoids except as allowed under OAR 845-025-1310 and in accordance with section (1) of this rule.

(3) Violations. A violation of this rule is a Category I violation.

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.077 & 475C.089

**Statutes/Other Implemented:** ORS 475C.017, 475C.065, 475C.077, 475C.089, ORS 475C.117 &

475C.489

**History:**

OLCC 68-2022, minor correction filed 03/23/2022, effective 03/23/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-2025**

**Micro Tier Processing. Privileges; Prohibitions**

(1) In addition to the privileges in OAR 845-025-2020, Micro Tier I & Micro Tier II producer licensee may process marijuana concentrates, as long as:

(a) The process involves separating cannabinoids from marijuana by:

(A) A mechanical process; or

(B) An extraction process using water as the solvent.

(b) The producer applies for a concentrate endorsement.

(c) The producer only sells or transports marijuana concentrates to the licensed premises of a processor, wholesaler, retailer or research certificate holder.

(d) Follows all the provisions relating to the processing of concentrates set forth within OAR 845-025-3210, 845-025-3220, 845-025-3230, 845-025-3240, [845-025-3250](#), [845-025-3290](#), and 845-025-~~3250~~[7575](#).

(e) If using water or ice in processing, the producer uses only potable water and ice made from potable water.

(f) If using dry ice, the producer uses or stores the dry ice in a well-ventilated room to prevent against the accumulation of dangerous levels of carbon dioxide.

(g) If making a concentrate intended to be used in a cannabinoid edible, the producer follows all provisions set forth within OAR 845-025-3250.

(2) In addition to the prohibitions in OAR 845-025-2020, a micro producer may not:

(a) Make cannabinoid extracts; or

(b) Make a concentrate using steam.

(3) Concentrate Endorsement.

(a) In order to apply for an endorsement, a micro producer applicant or micro producer licensee must submit a form prescribed by the Commission that includes:

(A) A description of the process the micro producer intends to implement to process usable marijuana into a concentrate; and

(B) A description of equipment to be used.

(b) In order to be eligible for a concentrate endorsement, a micro producer applicant or micro producer licensee must submit a land use compatibility statement showing that processing concentrates is not a prohibited use.

(c) The Commission may deny a producer's request for an endorsement under this rule if the producer does not meet the applicable requirements for the concentrate endorsement. If the Commission denies approval the producer has a right to a hearing under the procedures of ORS Chapter 183.

[\(4\) A producer who processes cannabinoid concentrates under this rule is not a marijuana processor for the purposes of OAR 845-025-3215.](#)

[\(5\) Violations. A violation of this rule is a Category I violation.](#)

**Statutory/Other Authority:** ORS 475C.065 & ORS 475C.089

**Statutes/Other Implemented:** ORS 475C.089 & 475C.017

**History:**

OLCC 69-2022, minor correction filed 03/24/2022, effective 03/24/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, adopt filed 12/22/2017, effective 12/28/2017

**845-025-2030**

**Licensed Premises of Producer**

(1) The licensed premises of a producer includes all public and private areas used in the business operated at the location.

(2) A producer may not engage in any privileges of the license within a residence. [This includes adding a residence within the licensed area after licensure.](#)

[\(3\) Violations. A producer engaging in license privileges within a residence is a Category I violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & 475C.065

**Statutes/Other Implemented:** 475C.065 & ORS 475C.009

**History:**

OLCC 70-2022, minor correction filed 03/24/2022, effective 03/24/2022

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-2050**

**Recreational Marijuana Producers — Operating Procedures**

(1) A producer must:

(a) Establish written standard operating procedures for the production of marijuana. The standard operating procedures must, at a minimum, include when, and the manner in which, all pesticide and or other chemicals are to be applied during the production process; and

(b) Maintain a copy of all standard operating procedures on the licensed premises.

(2) If a producer makes a material change to its standard operating procedures it must document the change and revise its standard operating procedures accordingly. Records detailing the material change must be maintained on the licensed premises by the producer.

[\(3\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & ORS 475C.065

**Statutes/Other Implemented:** ORS 475C.065

**History:**

OLCC 73-2022, minor correction filed 03/24/2022, effective 03/24/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-2800**

**Retailer Privileges; Prohibitions**

(1) A retailer is authorized to sell, transfer or deliver a marijuana item or hemp item to a consumer.

(2) A retailer may:

(a) Between the hours of ~~7:00 AM~~ a.m. and ~~10:00 PM~~ p.m. local time, sell marijuana items and hemp items from the licensed premises to a consumer 21 years of age or older;

(b) Sell, transfer or deliver:

(A) Marijuana items or hemp items to a consumer 21 years of age or older pursuant to a bona fide order as described in OAR 845-025-2880.

(B) Marijuana items or hemp items to a patient or designated primary caregiver between ages 18-21, so long as:

(i) The registry identification cardholder has a valid OMMP card; and

(ii) The retailer has a valid medical endorsement.

(C) Marijuana seeds to a producer.

(D) Marijuana ~~waste to a producer, processor, wholesaler, or research certificate holder.~~ items and hemp items to a retailer under common ownership;

~~(E)~~ (E) Marijuana waste to a producer, processor, wholesaler, or research certificate holder.

(F) Hemp waste to a wholesaler, processor with an industrial hemp endorsement, or research certificate holder.

(c) Accept or make returns, as long as the retailer:

(A) Only accepts or returns usable marijuana, marijuana items, hemp items, immature marijuana plants and seeds;

(B) Only accepts or returns eligible items listed in paragraph (A) of this subsection from either the original licensee that supplied the item or the customer or registry identification cardholder that purchased or was given the item;

(C) Accurately records the transaction in the CTS; and

(D) Does not resell any items returned by customers.

(d) Purchase, possess or receive:

(A) Usable marijuana, immature marijuana plants, seeds, and kief from a producer or from a research certificate holder;

(B) Cannabinoid concentrates from a micro tier producer with a concentrate endorsement issued under OAR 845-025-2025;

(C) Cannabinoid products, cannabinoid extracts and cannabinoid concentrates from a marijuana producer that were made using only marijuana produced by the producer;

(D) Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received or from a research certificate holder;

(E) Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler;

(F) Any marijuana item from a laboratory licensee;

(G) Trade samples as allowed by 845-025-1330;

(H) Marijuana items [and hemp items](#) from a retailer under common ownership; and

(I) Hemp items from a Commission-certified hemp handler, a wholesaler, a laboratory licensee, or a processor with an industrial hemp endorsement; ~~and~~.

~~(J) Hemp items from a retailer that is owned by the same or substantially the same persons. For purposes of this rule, substantially the same means that individuals named on the approved license or persons with a financial interest in the licensed businesses are identical.~~

(e) Refuse to sell marijuana items or hemp items to a consumer;

(f) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR ~~333-007-0300 to 333-007-0500~~ [chapter 333, division 7](#);

(g) Accept returned marijuana items or hemp items that the retailer sold to a consumer and provide a refund or exchange with a product of equal or lesser value as long as the product is not resold; and

(h) Sell marijuana items for medical purposes, as long as the retailer follows the provisions set forth in 845-025-2900.

(3) Hemp items sold, transferred, or delivered under section (2) of this rule must have been received from a Commission-certified hemp handler, a processor with an industrial hemp endorsement, a wholesaler, or a retailer under common ownership in accordance with these rules.

(4) A retailer may not:

(a) Knowingly sell more than the following amounts to an individual at any one time or within one day:

- (A) Two ounces of usable marijuana;
- (B) 16 ounces of a cannabinoid product in solid form;
- (C) 72 fluid ounces of a cannabinoid product in liquid form;
- (D) Five grams of cannabinoid extracts or concentrates;
- (E) Five grams of cannabinoid products intended for inhalation;
- (F) Four immature marijuana plants; and
- (G) 10 marijuana seeds.

(b) Knowingly provide more than the following amounts to registry identification cardholders or designated primary caregivers:

- (A) ~~8~~Eight ounces of usable marijuana at any one time or within one day per patient; and
- (B) No more than 32 ounces in one calendar month per patient.

(c) Transfer, sell, transport, purchase, possess, accept, return, or receive any hemp item that exceeds the THC limits specified in OAR 845-025-2760.

(d) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially derived cannabinoids except as allowed under OAR 845-025-1310 and in accordance with sections (2) and (3) of this rule.

(e) Provide free marijuana items to a recreational consumer.

(f) Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts.

(g) Sell or give away any non-marijuana items, including hemp items, that are attractive to minors as defined by these rules.

(h) Discount a marijuana item ~~if the retail sale of the marijuana is made in conjunction with the retail sale of any other items, including other marijuana items or hemp items~~contingent on the purchase of a non-marijuana item.

~~(i) Sell a marijuana item at a nominal price for promotional purposes.~~

~~(i) Prior to the application of a discount or the retail marijuana tax, require a registry identification cardholder to pay a higher price for the same marijuana item that is charged to a person without a registry identification card.~~(j) Permit consumers to be present on the licensed premises or sell to a consumer

between the hours of 10:00 p.m. and 7:00 a.m. local time the following day.

(k) Permit a licensed representative to handle an unpackaged marijuana item or hemp item without the use of protective gloves, tools or instruments that prevent the marijuana item from coming into contact with the licensed representative's skin.

(l) Sell or transfer a returned marijuana item or hemp item to another consumer.

(m) Sell, transfer, deliver, purchase, possess, accept, return or receive any marijuana item or hemp item other than as provided in this rule.

(n) Permit a consumer to open or alter a package containing a marijuana item or hemp item or otherwise remove a marijuana item or hemp item from packaging required by these rules within the licensed premises or in an area that the licensee controls.

(o) Permit a consumer to bring marijuana items or hemp items onto the licensed premises except for being returned for refund or exchange as allowed by this rule.

(p) Sell a marijuana item to an individual that exceeds the concentration limits in OAR 845-026-0210 and 845-026-0220.

(q) Sell any item not allowed under OAR 845-025-3220 or any of the following items:

(A) Pet or animal food, treats, or other pet or animal products containing hemp or marijuana;

(B) Injectable marijuana or hemp items; or

(C) Any other marijuana items not meant for human consumption or use.

(r) Impose or collect a tax on the retail sale of a marijuana item to a patient or designated primary caregiver who is purchasing a marijuana item for a registry identification cardholder.

[\(s\) Process marijuana items.](#)

[\(t\) Produce marijuana.](#)

(5) Notwithstanding paragraph (2)(c)(B) of this rule, a retailer may transfer its entire inventory of marijuana items [and hemp items](#) to a single wholesaler if all requirements in OAR 845-025-7700 are met.

[\(6\) Violations.](#)

[\(a\) A violation of paragraph \(2\)\(d\)\(A\) through \(2\)\(d\)\(I\), \(4\)\(a\)\(A\) through \(4\)\(a\)\(G\), or \(4\)\(b\)\(A\) through \(4\)\(b\)\(D\), or section \(3\) of this rule is a Category II violation.](#)

[\(b\) A violation of paragraph \(2\)\(b\)\(A\) or \(2\)\(b\)\(B\) of this rule is a Category II\(b\) violation.](#)

[\(c\) A violation of paragraph \(2\)\(b\)\(E\), \(2\)\(c\)\(A\) through \(2\)\(c\)\(D\), or subsection \(2\)\(e\) or \(4\)\(e\) through \(4\)\(r\) of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & ORS 475C.097

**Statutes/Other Implemented:** ORS 475C.017 & ORS 475C.097

**History:**

OLCC 94-2022, minor correction filed 03/24/2022, effective 03/24/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 7-2020, temporary amend filed 03/22/2020, effective 03/22/2020 through 09/17/2020

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 3-2019, amend filed 02/25/2019, effective 03/01/2019

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 10-2018, temporary amend filed 08/23/2018, effective 08/24/2018 through 12/27/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-2820**

**Retailer Operational Requirements**

(1) Prior to completing the sale of a marijuana item to a consumer, a retailer must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer's:

(a) Passport;

(b) Driver license, whether issued by the State of Oregon or by another state of the United States.

(c) Identification card issued under ORS 807.400;

(d) United States military identification card;

(e) Any other identification card issued by a state or territory that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person; or

(f) An identification card issued by a federally recognized Indian tribe with photo, name and date of birth.

(2) Marijuana items offered for sale by a retailer must be stored in such a manner that the items are only accessible to authorized representatives until such time as the final sale to the consumer is completed.

[\(3\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & 475C.097

**Statutes/Other Implemented:** ORS 475C.029

**History:**

OLCC 95-2022, minor correction filed 03/24/2022, effective 03/24/2022

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-2840**

**Retailer Premises**

(1) The licensed premises of a retailer:

(a) May not be located in an area that is zoned exclusively for residential use.

(b) Notwithstanding ORS 475C.097(2)(d), may be located within 1,000 feet of a school if:

(A) The marijuana retailer is not located within 500 feet of:

(i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030-(1)(a); and

(B) The Commission determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the marijuana retailer; or

(C) The marijuana retailer was established before August 1, 2017, in accordance with a city or county ordinance adopted under ~~s~~[Section 29b](#), ~~chapter 83, 2016~~ Oregon Laws ~~2016~~[Chapter 83](#).

(c) Must be enclosed on all sides by permanent walls and doors.

(2) A retailer must post in a prominent place signs that read:

(a) “No Minors Permitted Anywhere on the Premises”;

(b) “No On-Site Consumption”; and

(c) “Security Cameras in Use”.

(d) Exit from the licensed premises that reads: “Marijuana or Marijuana Infused Products May Not Be Consumed In Public”.

(3) [Consumer sales area](#).

[\(a\)](#) A retailer must designate ~~a consumer sales area on any portion of~~ the licensed premises where ~~consumers~~[the general public](#) are permitted: [as a consumer sales area](#).

[\(b\)](#) The [consumer sales](#) area shall include the portion of the premises where marijuana items are displayed for sale ~~to the consumer and~~ or sold and may include other contiguous areas such as a lobby. The consumer sales area is the sole area of the licensed premises where consumers ~~are permitted~~[and registry identification cardholders are permitted except as otherwise allowed by these rules](#).

[\(c\)](#) [A retailer that does not allow the general public to enter the licensed premises is not required to designate a consumer sales area](#).

(4) All inventory must be stored on the licensed premises.

(5) For purposes of determining the distance between a retailer and a school referenced in subsection (1)(b) of this rule, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a retailer. If any portion of the licensed premises is within 1,000 feet of a school as described subsection (1)(b) of this rule an applicant will not be licensed.

[\(6\) Violations](#).

[\(a\)](#) [A violation of paragraph \(1\)\(c\)\(C\) or section \(2\) or \(3\) of this rule is a Category III violation](#).

[\(b\)](#) [A violation of section \(4\) of this rule is a Category I violation](#).

**Statutory/Other Authority:** ORS 475C.017 & 475C.097

**Statutes/Other Implemented:** 475C.097, ORS 475C.101 & 475C.205

**History:**

OLCC 96-2022, minor correction filed 03/24/2022, effective 03/24/2022

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

### **845-025-2860**

#### **Marijuana Retailers — Consumer Health and Safety Information**

A retailer must:

(1) Post at a conspicuous location the following posters prescribed by the Commission, measuring 22 inches high by 17 inches wide that can be downloaded at [www.oregon.gov/olcc/marijuana](http://www.oregon.gov/olcc/marijuana):

(a) A Pregnancy Warning Poster; and

(b) A Poisoning Prevention Poster.

(2) Post at a conspicuous location a color copy of the “Educate Before You Recreate” flyer measuring 22 inches high by 17 inches wide that can be downloaded at [WHATSLEGALOREGON.COM](http://WHATSLEGALOREGON.COM).

(3) Distribute to each individual at the time of sale, a Marijuana Information Card, prescribed by the Commission, measuring 3.5 inches high by 5 inches long that can be downloaded at

[www.oregon.gov/olcc/marijuana](http://www.oregon.gov/olcc/marijuana).

[\(4\) Violations. A violation of this rule is a Category V violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & 475C.097

**Statutes/Other Implemented:** ORS 475C.017 & 475C.097

#### **History:**

OLCC 97-2022, minor correction filed 03/24/2022, effective 03/24/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

### **845-025-3210**

#### **Marijuana Processors — Endorsements**

(1) A processor may only process and sell cannabinoid edible, topical, concentrates or extracts if the processor has received an endorsement from the Commission for that type of processing activity.

Endorsements types are:

(a) Cannabinoid edible processor;

(b) Cannabinoid topical processor;

(c) Cannabinoid concentrate processor; and

(d) Cannabinoid extract processor.

(2) Industrial Hemp processor. A processor may only process industrial hemp items if the processor licensee has received an industrial hemp processor endorsement.

(3) A processor may only process a hemp item or marijuana item containing an artificially derived cannabinoid that is allowed under OAR 845-025-1310.

- (4) An applicant must request an endorsement upon submission of an initial application but may also request to add or remove an endorsement at any time following licensure.
- (5) To apply for an endorsement, an applicant or processor licensee must submit:
  - (a) A form prescribed by the Commission that identifies the proposed endorsements;
  - (b) A land use compatibility statement showing that any proposed processing endorsements are not prohibited uses; and
  - (c) If applicable, proof of compliance with OAR 845-025-3260(2)(b).
- (6) Only one application and license fee is required regardless of how many endorsements an applicant or licensee requests or at what time the request is made.
- (7) An individual processor licensee may hold multiple endorsements.
- (8) For the purposes of endorsements any cannabinoid product that is intended to be consumed or ingested orally or applied in the mouth is considered a cannabinoid edible.
- (9) If a processor is no longer going to process the product for which the processor is endorsed, the processor must notify the Commission in writing and provide the date on which the processing of that product will cease.
- (10) The Commission may deny a processor's request for an endorsement or revoke an existing endorsement if the processor cannot or does not meet the requirements in OAR 845-025-3200 to 845-025-3290 for the endorsement that is requested. If the Commission denies or revokes approval the processor has a right to a hearing under the procedures of ORS [Chapter 183](#).

[\(11\) Violations. Processing without the proper endorsement is a Category I violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & 475C.085

**Statutes/Other Implemented:** ORS 475C.161 & 571.336

**History:**

OLCC 104-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 3-2019, amend filed 02/25/2019, effective 03/01/2019

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-3215**

**Processor Privileges; Prohibitions**

- (1) A processor may:
  - (a) Transfer, sell or transport:
    - (A) Cannabinoid concentrates, extracts, and products for which the processor has an endorsement to a processor, wholesaler, retailer, non-profit dispensary, or research certificate holder;

(B) Cannabinoid products, cannabinoid extracts and cannabinoid concentrates to a marijuana producer that were made using only marijuana produced by the receiving producer;

(C) Marijuana or Industrial Hemp waste to a producer, processor, wholesaler, or research certificate holder;

(D) Trade samples to a producer, processor, wholesaler, or retailer licensee, only as allowed under OAR 845-025-1330; and

(E) Quality control samples to a license representative, only as allowed under OAR 845-025-1360.

(b) Purchase, possess or receive as allowed by these rules:

(A) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer, wholesaler, patient or designated primary caregiver, ~~or from~~ a research certificate holder;

(B) Usable marijuana from a producer, wholesaler, patient or designated primary caregiver, or ~~from or~~ a research certificate holder;

(C) Kief from a producer;

(D) Cannabinoid concentrates from a producer that holds a concentrate endorsement under OAR 845-025-2025;

(E) Cannabinoid products, cannabinoid extracts and cannabinoid concentrates from a marijuana producer that were made using only marijuana produced by the producer;

(F) Cannabinoid concentrates, extracts and products from a processor with an endorsement to manufacture the type of product received, or from a research certificate holder;

(G) Trade samples as allowed by 845-025-1330;

(H) Marijuana or industrial hemp waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and

(I) Cannabinoid concentrates, extracts, and products produced by the licensee that have been held in bailment by a wholesaler.

(c) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR ~~333-007-0300 to 333-007-0500~~ [chapter 333, division 7](#).

(d) Accept or make returns of marijuana items, as long as the processor:

(A) Only accepts or returns usable marijuana, marijuana items, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Only accepts or returns eligible items listed in paragraph (A) of this subsection from the original licensee that supplied or purchased the item; and

(C) Accurately records the transaction in the CTS.

(2) A processor with an industrial hemp endorsement may:

(a) Transfer, sell, or transport:

(A) Hemp items to a wholesaler, a retailer, or a processor with an industrial hemp endorsement; and

(B) Hemp items to a person that is not a processor, retailer or wholesaler only as allowed under OAR 845-025-3320.

(b) Purchase, possess, or receive as allowed by these rules:

(A) Hemp items from a wholesaler, a processor with an industrial hemp endorsement, or a Commission-certified hemp handler; and

(B) Harvested industrial hemp from a wholesaler, a Commission-certified hemp handler, or a Commission-certified hemp grower.

(c) Process industrial hemp and hemp items into any hemp item in compliance with all rules for processing marijuana.

(d) Use industrial hemp and hemp items as an ingredient in the processing of marijuana items.

(3) A processor may not:

(a) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana, industrial hemp or hemp item other than as provided in this rule;

(b) Use any unapproved process set forth in OAR 845-025-3200 to ~~OAR~~ 845-025-3305;

(c) Allow minors on any portion of the licensed premises except as allowed by OAR 845-025-1230. A violation of this is a Category I violation;

(d) Make any product that is prohibited from sale in a retail store, as set forth in OAR 845-025-2800;

(e) Transfer, sell, transport, purchase, accept, return, or receive any industrial hemp or hemp item that exceeds the THC limits specified in OAR 845-025-2760;

(f) Process any kief received from a producer into a cannabinoid edible, unless the producer has complied with all provisions set forth in OAR 845-025-3250; or

(g) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially derived cannabinoids except as allowed under OAR 845-025-1310 and in accordance with sections (1) and (2) of this rule.

~~(4)(h)~~ Produce marijuana items.

(4) Notwithstanding paragraph (1)(d)(B) of this rule, a processor may transfer its entire inventory of marijuana items and hemp items to a single wholesaler if all requirements in OAR 845-025-7700 are met.

(5) A processor must be licensed by the Commission and obtain the proper endorsement for the type of processing they perform per OAR 845-025-3210.

(6) Violations.

(a) A violation of subsection (3)(e) of this rule is a Category II violation.

(b) A violation of section (5) of this rule is a Category I violation.

(c) All other violations of this rule are Category III violations.

**Statutory/Other Authority:** ORS 475C.017 & ORS 475C.085

**Statutes/Other Implemented:** ORS 475C.017 & ORS 475C.085

**History:**

OLCC 105-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 3-2019, amend filed 02/25/2019, effective 03/01/2019

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

**845-025-3220**

**General Processor Requirements**

(1) A processor must:

(a) Use equipment, counters and surfaces for processing that are food-grade and do not react adversely with any solvent being used.

(b) Have counters and surface areas that are constructed in a manner that reduce the potential for development of microbials, molds and fungi and that can be easily cleaned.

(c) Maintain the licensed premises in a manner that is free from conditions which may result in contamination and that is suitable to facilitate safe and sanitary operations for product preparation purposes.

(d) Store all marijuana or hemp items not in use in a locked area, including products that require refrigeration in accordance with OAR 845-025-1410.

(e) Assign every process lot a unique identification number [or name](#) and enter this information into CTS [pursuant to 845-025-7575](#).

(2) A processor may not process, transfer or sell a marijuana or hemp item:

(a) That by its shape, design or flavor is likely to appeal to minors, including but not limited to:

(A) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or

(B) Products in the shape of an animal, vehicle, person or character.

(b) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items.

(c) That contains Dimethyl Sulfoxide (DMSO).

(d) If such an item is an inhalable cannabinoid product that does not meet the requirements in OAR 845-025-3265, except that a processor may transfer or sell an inhalable cannabinoid product that does not meet the requirements in OAR 845-025-3265 until July 1, 2021, if the non-compliant inhalable cannabinoid product was processed prior to April 1, 2021.

[\(e\) If such an item is a cannabinoid edible that does not meet the serving size identification requirements in OAR 845-026-0210\(3\) and is not a “medical marijuana item” as defined in OAR 845-026-0200.](#)

(3) A processor may not treat or otherwise adulterate a cannabinoid product, concentrate or extract with any additive or substance that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives or substances include but are not limited to nicotine, caffeine, polyethylene glycol, or any chemicals that increase carcinogenicity or cardiac effects.

(4) A processor must maintain records of industrial hemp test results for ~~2~~[two](#) years.

[\(5\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.085, ORS 475C.237 & 571.336

**Statutes/Other Implemented:** 475C.085 & 475C.233

**History:**

OLCC 106-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 24-2020, amend filed 12/21/2020, effective 12/22/2020

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-3230**

**Processor Policies and Procedures**

A processor must create and maintain written, detailed standard policies and procedures that include but are not limited to:

- (1) Instructions for making each cannabinoid concentrate, extract or product.
- (2) The ingredients and the amount of each ingredient for each process lot;
- (3) The process for making each product;
- (4) The number of servings in a process lot;
- (5) The intended amount of THC per serving and in a unit of sale of the product;
- (6) The process for making each process lot homogenous;
- (7) If processing a cannabinoid concentrate or extract:
  - (a) Conducting necessary safety checks prior to commencing processing;
  - (b) Purging any solvent or other unwanted components from a cannabinoid concentrate or extract;
- (8) Procedures for cleaning all equipment, counters and surfaces thoroughly;
- (9) Procedures for preventing growth of pathogenic organisms and toxin formation;
- (10) Proper handling and storage of any solvent, gas or other chemical used in processing or on the licensed premises in accordance with material safety data sheets and any other applicable laws;

(11) Proper disposal of any waste produced during processing in accordance with all applicable local, state and federal laws, rules and regulations;

(12) Quality control procedures designed to maximize safety and minimize potential product contamination;

(13) Appropriate use of any necessary safety or sanitary equipment; and

(14) Emergency procedures to be followed in case of a fire, chemical spill or other emergency.

[\(15\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & ORS 475C.085

**Statutes/Other Implemented:** ORS 475C.085

**History:**

OLCC 107-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-3240**

**Processor Training Requirements**

(1) A processor must have a comprehensive training program that includes, at a minimum, the following topics:

(a) The standard operating policies and procedures;

(b) The hazards presented by all solvents or other chemicals used in processing and on the licensed premises as described in the material safety data sheet for each solvent or chemical; and

(c) Applicable Commission statutes and rules.

(2) At the time of hire and prior to engaging in any processing, and once yearly thereafter, each employee involved in the processing of a cannabinoid concentrate, extract or product must be trained in accordance with the processor's training program.

[\(3\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & ORS 475C.085

**Statutes/Other Implemented:** ORS 475C.085

**History:**

OLCC 108-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-3250**

**Cannabinoid Edible Processor Requirements**

(1) A cannabinoid edible processor may only process in a food establishment licensed by the Oregon Department of Agriculture (ODA) and must comply with the applicable provisions of OAR [chapter 603](#), [divisions 21](#), ~~division-24~~, ~~division-25~~, and ~~division 28~~.

(2) A cannabinoid edible processor may not:

(a) Engage in processing in a location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited service restaurant, single-event temporary restaurant, commissary, mobile unit, bed or breakfast, or warehouse licensed under ORS 624;

(b) Share a food establishment with a person not licensed and endorsed by the Commission as a cannabinoid edible processor;

(c) Process food intended for commercial sale that does not contain cannabinoids, at the licensed premises; or

(d) Use a cannabinoid concentrate or extract to process food unless that concentrate or extract was processed by a licensee in a food establishment licensed by the ODA in compliance with the applicable provisions of OAR chapter 603, divisions [21](#), ~~division-24~~, ~~division-25~~, and ~~division 28~~.

(3) A food establishment used by a cannabinoid edible processor is considered a licensed premises and must meet the security and other licensed premises requirements in these rules.

[\(4\) Violations. A violation of section \(1\) of this rule is a Category I violation. All other violations of rule are Category III violations.](#)

**Statutory/Other Authority:** ORS 475C.017 & ORS 475C.085

**Statutes/Other Implemented:** ORS 475C.085 & ORS 475C.161

**History:**

OLCC 109-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 6-2017, f. & cert. ef. 6-30-17

OLCC 24-2016(Temp), f. 12-30-16, cert. ef. 1-1-17 thru 6-29-17

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-3260**

**Cannabinoid Concentrate and Extract Processor Requirements**

(1) Cannabinoid Concentrates or Extracts. A processor with a cannabinoid concentrate or extract endorsement:

(a) May not use Class I solvents as those are classified in the Federal Drug Administration Guidance, Table I, published in the Federal Register on December 24, 1997 (62 FR 67377).

(b) Must:

(A) Only use a hydrocarbon-based solvent that is at least 99 percent purity.

(B) Only use a non-hydrocarbon-based solvent that is food-grade.

(C) Work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

(D) Use only potable water and ice made from potable water in processing.

(E) If making a concentrate or extract that will be used in a cannabinoid edible, be endorsed as a cannabinoid edible processor and comply with OAR 845-025-3250.

(2) Cannabinoid Extracts. A processor with an endorsement to make cannabinoid extracts:

(a) May not use pressurized canned flammable fuel, including but not limited to butane and other fuels intended for use in camp stoves, handheld torch devices, refillable cigarette lighters and similar consumer products.

(b) Prior to licensure or renewal the applicant must:

(A) Provide proof in a form and manner specified by the eCommission that the premises proposed to be licensed has received a Certificate of Occupancy for the intended use issued by the appropriate local building official;

(B) Must list all equipment used in extraction and, if applicable, provide proof that equipment and process has been inspected by a:

(i) Certified mechanical or electrical engineer;

(ii) Industry recognized third party; or

(iii) Manufacturer.

(c) Must:

(A) Process in a fully enclosed room clearly designated on the current diagram of the licensed premises.

(B) Process, if using hydrocarbon solvents, in a room with equipment, including all electrical installations that meet the requirements of the Oregon Structural Specialty Code, related Oregon Specialty Codes and the Oregon Fire Code.

(C) Use a professional grade closed loop extraction system designed to recover the solvents and built to codes of recognized and generally accepted good engineering standards, such as those of:

(i) American National Standards Institute (ANSI);

(ii) Underwriters Laboratories (UL); or

(iii) The American Society for Testing and Materials (ASTM).

(D) If using carbon dioxide in processing, use a professional grade closed loop carbon dioxide gas extraction system where every vessel is rated to a minimum of six hundred pounds per square inch.

(E) For extraction system engineering services, including but not limited to consultation on and design of extraction systems or components of extraction systems, use the services of a professional engineer registered with the Oregon State Board of Examiners for Engineering and Land Surveying, unless an exemption under ORS 672.060 applies.

(F) Have an emergency eye-wash station in any room in which cannabinoid extract is being processed.

(G) Have all applicable material safety data sheets readily available to personnel working for the processor.

(H) If subject to inspection by local and state fire officials, maintain the premises' Certificate of Occupancy at intervals specified by the fire official.

(3) Cannabinoid Concentrates. A processor with an endorsement to make cannabinoid concentrates:

(a) May not:

(A) Use denatured alcohol.

(B) If using carbon dioxide, apply high heat or pressure.

(b) Must only use or store dry ice in a well-ventilated room to prevent against the accumulation of dangerous levels of carbon dioxide.

(c) May use:

(A) A mechanical extraction process; or

(B) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol.

(C) An extraction process using the solvent carbon dioxide, provided that the process does not involve the use of [pressure or the use of](#) heat over 180 degrees (Fahrenheit) ~~or pressure~~.

[\(4\) Violations. A violation of this rule is a Category I violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & 475C.085

**Statutes/Other Implemented:** 475C.085 & ORS 571.336

**History:**

OLCC 111-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

## **845-025-3270**

### **CTS Requirements for Inhalable Cannabinoid Products with Non-Cannabis Additives**

(1) On and after April 1, 2021:

(a) A licensee, research certificate holder, or hemp certificate holder in possession of an inhalable cannabinoid product with non-cannabis additives must record the item in CTS with the item category of:

(A) "Inhalable Cannabinoid Product with Non-Cannabis Additives" for an inhalable cannabinoid product that is a marijuana item; or

(B) "Inhalable Hemp Cannabinoid Product with Non-Cannabis Additives" for an inhalable cannabinoid product that is a hemp item.

(b) In addition to the requirements of ~~(1)~~[section \(a\)](#) of this ~~rule~~[section](#), a processor in possession of an inhalable cannabinoid product with non-cannabis additives must, in the item's ingredients section of CTS, record:

(A) The name of all non-cannabis additives used in the item; and

(B) For each non-cannabis additive used, the business name of the manufacturer of the non-cannabis additive.

(2) The ingredients recorded in CTS under [subsection \(1\)\(b\)](#) of this rule must match the information that is contained in the header section of the non-cannabis additive's list of ingredients as required by OAR 845-025-3265(1)(a).

[\(3\) Violations. A violation of this rule is a Category II violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097 & 475C.548

**Statutes/Other Implemented:** ORS 475C.117

**History:**

OLCC 113-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 24-2020, adopt filed 12/21/2020, effective 12/22/2020

**845-025-3280**

**Cannabinoid Topical Processor**

[\(1\)](#) A processor with a cannabinoid topical endorsement may not engage in processing in a location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited service restaurant or single-event temporary restaurant licensed under ORS 624.

[\(2\) Violations. A violation of this rule is a Category II violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & ORS 475C.085

**Statutes/Other Implemented:** ORS 475C.085

**History:**

OLCC 114-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-3290**

**Processors Recordkeeping**

(1) A processor must keep records documenting the following:

(a) How much marijuana or industrial hemp is in each process lot;

(b) If a product is returned by a licensee, how much product is returned and why;

(c) If a defective product was reprocessed, how the defective product was reprocessed; and

(d) Each training provided in accordance with OAR 845-025-3240, the names of employees who participated in the training, and a summary of the information provided in the training.

(2) A processor must obtain a material safety data sheet for each solvent used or stored on the licensed premises and maintain a current copy of the material safety data sheet and a receipt of purchase for all solvents used or to be used in an extraction process on the licensed premises.

(3) If the Commission requires a processor to submit or produce documents to the Commission that the processor believes falls within the definition of a trade secret as defined in ORS 192.501, the processor must mark each document "confidential" or "trade secret<sup>1</sup>."

[\(4\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & 475C.085  
**Statutes/Other Implemented:** 475C.085 & ORS 571.336

**History:**

OLCC 115-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-3300**

**Processing Marijuana for Medical Purposes**

(1) In order to process marijuana items for medical purposes a marijuana processor licensed under ORS 475C.085 must register with the [eCommission](#) in a form and manner specified by the [eCommission](#).

(2) A marijuana processor licensed under ORS 475C.085 who has registered with the [eCommission](#) to process marijuana items for medical purposes:

(a) May:

(A) Process medical grade cannabinoid products, concentrates or extracts; and

(B) Sell or transfer medical grade cannabinoid products, concentrates or extracts to wholesalers, processors and retailers who have registered to sell or process marijuana for medical purposes.

(C) Sell or transfer medical grade cannabinoid products, concentrates or extracts to research certificate holders and non-profit dispensaries.

(b) Must comply with the requirements of OAR ~~333-007-0010~~ [845-025-7010](#) to ~~333-007-0100~~ [845-025-7190](#) for labeling medical grade products.

[\(3\) Violations. Processing marijuana items for medical purposes is a Category I violation if the licensee is not registered with the Commission as described in this rule.](#)

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.141

**History:**

OLCC 116-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

**845-025-3310**

**Transfer of Medical Marijuana Processing Site Inventory**

(1) For purposes of this rule:

(a) "Marijuana processing site" means a marijuana processing site registered under ORS 475C.815.

(b) "Person responsible for the marijuana processing site" or "PRP" has the meaning given that term in OAR 333-008-0160.

(c) "Primary PRP" has the meaning given that term in OAR 333-008-0160.

(2) An applicant for a processor license under ORS 475C.085 that is also an owner of a registered marijuana processing site or a business that applied to register as a marijuana processing site prior to December 31, 2016 under ORS 475C.815, may submit a transfer request to the Commission, on a form prescribed by the Commission, to transfer inventory produced or obtained under Authority approval or registration.

(3) Requests made under this rule must include, at a minimum, the following information:

(a) The name of the marijuana processing site, address, and Authority issued registration number for the marijuana processing site.

(b) The name and contact information of the owner of the marijuana processing site.

(c) The names and contact information for each PRP.

(d) Identification of the primary PRP.

(e) The endorsements of the marijuana processing site.

(f) An authorization that permits the Authority to disclose to the Commission any information necessary to verify the information submitted in the request; and

(g) The amount and types of marijuana items proposed to be transferred.

(4) Upon receiving a request under section (2) of this rule the Commission must verify with the Authority:

(a) The registration status of the marijuana processing site; and

(b) The ownership of the processing site and the identification of each PRP and the primary PRP.

(5) A transfer request will be denied if an applicant has not complied with this rule or if a license is denied under OAR 845-025-1115.

(6) If the information in the transfer request is verified by the Authority and the Commission approves a license application under ORS 475C.085, the Commission must notify the applicant of the amount and type of marijuana items permitted to be transferred.

(a) The Commission may not permit the transfer of a marijuana cannabinoid product, concentrate or extract packaged for ultimate sale to the consumer that exceeds the concentration limits established for retail adult use under OAR 845-026-0210 unless the licensee has been registered to process medical grade cannabinoid concentrates, extracts or products.

(b) For transfer requests that are received after January 31, 2017, the Commission may not permit the transfer of a marijuana item that was produced or acquired before December 31, 2016, unless the applicant is registered with the Authority as a processing site under ORS 475C.815 and the item was processed or acquired on or after the date the processing site was registered.

(c) Prior to licensure the marijuana processing site must return any marijuana item that is the lawful property of a patient.

(d) Any marijuana items that have not been approved by the Commission for transfer or returned to a patient as described in subsection (5)(b) of this rule must be removed from the premises by the applicant prior to the initial date of licensure and lawfully transferred or disposed of.

(7) Information regarding the usable marijuana, cannabinoid concentrates, extracts or products transferred must be recorded in CTS within 10 calendar days of licensure.

(8) The licensee must notify the Commission once the usable marijuana, cannabinoid concentrates, extracts or products are entered into CTS and the Commission may inspect the premises to verify the information the licensee entered into CTS.

(9) Once the transfer of inventory under this section is complete the Commission must notify the Authority that the marijuana processing site is now a licensed premises and that the licensed premises may not be registered as a marijuana processing site address under ORS 475C.815.

(10) The Commission may deny a transfer request if:

(a) It cannot verify the information in the request or the applicant submitted incomplete information to the Commission; or

(b) The processor has not been granted an endorsement for the type of marijuana item requested for transfer.

(11) Any usable marijuana, cannabinoid concentrates, extracts or products transferred from a medical marijuana processing site to the licensed premises under this rule must be:

(a) Tested in accordance with OAR 845-025-5700 before being used or transferred; and

(b) Labeled and packaged in accordance with OAR 845-025-7000 to 845-025-7060 before being transferred to another licensee.

[\(12\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.169

**History:**

OLCC 118-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 14-2016(Temp), f. & cert. ef. 9-20-16 thru 12-26-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

**845-025-3500**

**Wholesale License Privileges; Prohibitions**

(1) A wholesale licensee may:

(a) Sell, including sale by auction, transfer, deliver or transport:

(A) Any type of marijuana item or hemp item to a retailer, wholesaler, non-profit dispensary or research certificate holder, except that whole, non-living marijuana plants may not be transferred to a retailer or to a non-profit dispensary;

(B) Immature marijuana plants and seeds to a producer;

- (C) Usable marijuana to the producer licensee that the wholesale licensee has stored on the producer's behalf;
- (D) Usable marijuana, cannabinoid extracts and concentrates to a processor licensee;
- (E) Trade samples as allowed under OAR 845-025-1330;
- (F) Marijuana or hemp waste to a producer, processor, wholesaler or research certificate holder;
- (G) Harvested industrial hemp to a wholesaler or to a processor with an industrial hemp endorsement; and
- (H) Industrial hemp items to a processor with an industrial hemp endorsement.
- (I) Inventory from a retailer as allowed by OAR 845-025-2800(5).
- (b) Purchase, possess or receive:
  - (A) Any type of marijuana item or hemp item from a wholesaler;
  - (B) Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received;
  - (C) Seeds, immature marijuana plants, or usable marijuana, or kief from a producer;
  - (D) Cannabinoid concentrates from a producer that holds a concentrate endorsement under OAR 845-025-2025;
  - (E) Cannabinoid products, cannabinoid extracts and cannabinoid concentrates from a marijuana producer that were made using only marijuana produced by the producer;
  - (F) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer;
  - (G) Trade samples as allowed under OAR 845-025-1330;
  - (H) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder;
  - (I) Hemp Items from a processor with an industrial hemp endorsement or a Commission-certified hemp handler;
  - (J) Harvested industrial hemp from a wholesaler, a processor with an Industrial Hemp endorsement, a Commission-certified hemp handler, or a Commission-certified hemp grower; and
  - (K) Inventory from a retailer as allowed under OAR 845-025-2800(5).
- (c) Transport and store marijuana items and hemp items received from other licensees, pursuant to the requirements of OAR 845-025-7500 to 845-025-7590 and 845-025-7700.
- (d) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR ~~333-007-0300 to 333-007-0500~~ [chapter 333, division 7](#).
- (e) Accept or make returns of marijuana items, as long as the wholesaler:

(A) Only accepts or returns usable marijuana, marijuana items, harvested industrial hemp, hemp items, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Only accepts or returns eligible items listed in paragraph (A) of this subsection from the original licensee whom supplied or purchased the item; and

(C) Accurately records the transaction and its disposition once returned in the CTS.

(f) Trim whole non-living plants and usable marijuana on behalf of a producer licensee, as long as both the wholesale licensee and producer licensee comply with all applicable rules including tracking all transactions and any packaging of marijuana items in CTS; and if:

(A) Trimming is performed on the wholesaler's licensed premises; or

(B) Trimming is performed at the producer's licensed premises and the wholesale licensee holds a "For Hire Trimming Privilege" as set forth in OAR 845-025-3505.

(2) A wholesale licensee may not:

(a) Sell, deliver, purchase, or receive any marijuana item, industrial hemp, or hemp item other than as provided in this rule.

(b) Transfer, sell, transport, purchase, possess, accept, return, or receive any industrial hemp or hemp item that exceeds the THC limits specified in OAR 845-025-2760.

(c) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially derived cannabinoids except as allowed under OAR 845-025-1310 and in accordance with section (1) of this rule.

[\(d\) Process a marijuana item;](#)

[\(e\) Produce marijuana.](#)

(3) For purposes of this rule, "marijuana item" does not include a mature marijuana plant.

[\(4\) Violations. A violation of this rule is a Category I violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & 475C.085

**Statutes/Other Implemented:** ORS 475C.093 & 571.336

**History:**

OLCC 121-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 4-2019, amend filed 02/25/2019, effective 03/01/2019

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 13-2017, temporary amend filed 10/05/2017, effective 10/05/2017 through 12/27/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

### **845-025-3510**

#### **Micro-Wholesaler License Privileges**

(1) A micro-wholesale licensee may:

(a) Purchase, possess, or receive usable marijuana, immature marijuana plants, seeds, whole non-living marijuana plants and marijuana waste only from a producer with a micro tier I or micro tier II canopy; and

(b) Accept or make returns marijuana items, as long as the micro-wholesale licensee:

(A) Only accepts or returns usable marijuana, marijuana items, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Only accepts or returns eligible items listed in paragraph (A) of this subsection from a producer with a micro tier I or micro tier II canopy; and

(C) Accurately records the transaction in the CTS.

(2) Sell including sale by auction, transfer, deliver or transport:

(a) Usable marijuana to a retailer, wholesaler, processor, non-profit dispensary or research certificate holder;

(b) Seeds and immature plants to a retailer, wholesaler, producer, non-profit dispensary or research certificate holder;

(c) Whole non-living marijuana plants to a wholesaler, processor or non-profit dispensary; and

(d) Marijuana waste to a producer, processor, wholesaler or research certificate holder.

(3) Transport and store marijuana items received from producers with a micro tier ~~4~~ or micro tier II canopy, pursuant to the requirements of OAR 845-025-7500 to 845-025-7590 and 845-025-7700.

(4) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR ~~333-007-0300 to 333-007-0500~~[chapter 333, division 7](#).

(5) A micro-wholesaler may not purchase, possess, receive, sell, transfer, deliver, transport, trim or store any marijuana item other than as provided in this rule.

[\(6\) Violations. A violation of this rule is a Category I violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & 475C.093

**Statutes/Other Implemented:** 475C.093

**History:**

OLCC 122-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

### **845-025-3600**

#### **Wholesaling Marijuana for Medical Purposes**

(1) In order to sell marijuana at wholesale for medical purposes a marijuana wholesaler licensed under ORS 475C.093 must register with the [eCommission](#) in a form and manner specified by the [eCommission](#).

(2) A marijuana wholesaler licensed under ORS 475C.093 who has registered with the [eCommission](#) to wholesale marijuana items for medical purposes:

(a) May:

(A) Receive or purchase medical grade cannabinoid products, concentrates or extracts from processors that have registered to process marijuana items for medical purposes;

(B) Sell or transfer medical grade cannabinoid products, concentrates or extracts to wholesalers, processors and retailers who have registered to sell or process marijuana for medical purposes; and

(C) Sell or transfer medical grade cannabinoid products, concentrates or extracts to research certificate holders and non-profit dispensaries.

(b) Must comply with the requirements of OAR 845-025-7000 to 845-025-7190 for labeling medical grade products.

[\(3\) Violations. Wholesaling marijuana for medical purposes as described in this rule is a Category I violation if the licensee is not registered with the Commission as described in this rule.](#)

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.077 & 475C.145

**History:**

OLCC 123-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

### **845-025-5000**

#### **Laboratory License Privileges; Requirements**

(1) A licensed marijuana testing laboratory may:

(a) Obtain samples of marijuana items from licensees or registrants for the purpose of testing as provided in these rules and OAR ~~333-007-0300 to 333-007-0500~~ [chapter 333, division 7](#) if the laboratory has an accredited scope item for sampling;

(b) Transport and dispose of samples as provided in these rules;

(c) Perform testing on marijuana items in a manner consistent with the laboratory's accreditation by the Authority, these rules, OAR [chapter 333-007-0300 to 333-007-0500](#), [divisions 7](#) and ~~OAR 333, Division 64~~; and

(d) Transfer the laboratory's marijuana waste to a producer, processor, wholesaler, or research certificate holder.

[\(2\) After entering the results into CTS of all testing that was performed, a laboratory licensee must retain the remaining sample material taken under OAR 333-007-0360 for a minimum of 30 additional calendar days.](#)

(3) A licensed marijuana testing laboratory must, upon request of the Oregon Department of Agriculture, [Oregon Health Authority, ORELAP, or the Commission](#), provide a test result and any other information or sample material to the Department, [Authority, ORELAP or Commission](#).

(34) Notwithstanding the requirements of OAR 845-025-1230, a laboratory licensee may permit a registrant 18 years of age or older to be present on the licensed premises for the purpose of delivering a marijuana item for sampling and testing.

(45) Nothing in these rules prohibits a laboratory licensee from testing industrial hemp or industrial hemp commodities and products in accordance with the rules established by the Oregon Department of Agriculture.

(56) A licensed laboratory may return a marijuana item obtained for purposes of testing to the licensee, registrant or research certificate holder, in accordance with any applicable accreditation standards for retaining samples. The return of such marijuana items must be entered into CTS or, if the return is to a registrant, documented in the laboratory's records.

(67) A licensed laboratory may not obtain samples, transport, dispose of, perform testing, transfer or return any marijuana item other than as provided in this rule.

[\(8\) Violations. A violation of this rule is a Category I violation.](#)

**Statutory/Other Authority:** ORS 475C.548

**Statutes/Other Implemented:** ORS 475C.548

**History:**

OLCC 124-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-5045**

**Laboratory Tracking and Reporting**

(1) A laboratory licensee is required to utilize CTS for sampling or testing conducted for medical marijuana grow sites subject to CTS tracking, medical marijuana processing sites, medical marijuana dispensaries, licensees, research certificate holders, [Commission-certified hemp growers, Commission-certified hemp handlers](#), and persons manufacturing industrial hemp-derived vapor items and follow all requirements established by OAR 845-025-7500 to 845-025-7590.

(2) A laboratory licensee conducting sampling or testing for licensees, [research certificate holders, Commission-certified hemp growers, Commission-certified hemp handlers](#), medical marijuana grow sites subject to CTS tracking, medical marijuana processing sites, or medical marijuana dispensaries is responsible for tracking and entering the following information into CTS.

(a) Receipt of samples for testing, including:

(A) Size of the sample;

(B) Name of the licensee, [research certificate holder](#), [Commission-certified hemp grower](#), [Commission-certified hemp handler](#), grow site administrator, person responsible for the marijuana processing site, or person responsible for a medical marijuana dispensary from whom the sample was obtained;

(C) Date the sample was collected; and

(D) UID tag information associated with the harvest or process lot from which the sample was obtained.

(b) Tests performed on samples, including:

(A) Date testing was performed;

(B) What samples were tested for;

(C) Name of laboratory responsible for testing;

(D) Results of all testing performed; and

(E) An electronic copy of the report provided under OAR 333-064-0110 to the licensee, [research certificate holder](#), [Commission-certified hemp grower](#), [Commission-certified hemp handler](#), grow site administrator, processing site, or dispensary.

(c) Disposition of any testing sample material.

(3) A laboratory licensee conducting sampling or testing of industrial hemp-derived vapor items is responsible for tracking and entering the following information into CTS.

(a) Receipt of samples for testing, including:

(A) Size of the sample;

(B) Name of the person manufacturing industrial hemp-derived vapor items from whom the sample was obtained;

(C) Date the sample was collected; and

(D) Identifying information about the process lot from which the sample was obtained.

(b) Tests performed on samples, including:

(A) Date testing was performed;

(B) What samples were tested for;

(C) Name of laboratory responsible for testing;

(D) Results of all testing performed; and

(E) An electronic copy of the report provided under OAR 333-064-0110 to the person who manufactured the industrial hemp-derived vapor item.

(c) Disposition of any testing sample material.

(4) A laboratory licensee receiving a sample from another laboratory licensee for the purposes of performing a subcontracted compliance test, as described in is responsible for tracking and entering information into CTS as described in paragraphs (2)(b)(A) and [\(2\)\(b\)\(B\)](#) of this rule.

(5) A laboratory licensee must also comply with any recordkeeping requirements in OAR [chapter 333-007-0300 to 333-007-0490, divisions 7](#) and ~~OAR 333, Division~~ 64.

(6) The Oregon Health Authority or the Commission may request records at any time of a laboratory licensee.

[\(7\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.548

**Statutes/Other Implemented:** ORS 475C.548

**History:**

OLCC 126-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-5060**

**Laboratory Transportation and Waste Disposal**

(1) A laboratory licensee must follow OAR 845-025-7700 and any applicable rules in [OAR chapter 333-007-0300 to 333-007-0490, divisions 7](#) and ~~OAR 333, division~~ 64 regarding transportation of marijuana items.

(2) A laboratory licensee must follow all rules regarding disposal of samples from marijuana items established in OAR 845-025-7750.

[\(3\) Violations. A violation of this rule is a Category IV violation.](#)

**Statutory/Other Authority:** ORS 475C.548

**Statutes/Other Implemented:** ORS 475C.548

**History:**

OLCC 127-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-5350**

**Marijuana Research Certificate Privileges; Prohibitions**

(1) A certificate holder may receive marijuana items from a licensee or a registrant under ORS 475C.770 to 475C.919.

(2) A certificate holder:

(a) May not:

(A) Sell or otherwise transfer marijuana items to any other person except when disposing of waste pursuant to OAR 845-025-7750, transferring to another certificate holder or transferring to another licensee pursuant these rules.

(B) Transfer more to another licensee than is permitted in the Commission's order granting the research certificate.

(b) Must comply with the testing rules in OAR ~~333-007-0300 to 333-007-0490~~ [chapter 333, division 7](#) applicable to a producer or processor prior to transferring marijuana items to a licensee.

(3) A certificate holder may not conduct any human subject research related to marijuana unless the certificate holder has received approval from an institutional review board that has adopted the Common Rule, 45 CFR Part 46.

(4) All administrative rules adopted by Commission for the purpose of administering and enforcing ORS Chapter [475C](#); and any rules adopted thereunder with respect to licensees and licensee representatives apply to certificate holders except for those which are inconsistent with this rule.

[\(5\) Violations. A violation of this rule is a Category I violation.](#)

**Statutory/Other Authority:** ORS 475C.289

**Statutes/Other Implemented:** ORS 475C.289 & ORS 475C.205

**History:**

OLCC 191-2022, minor correction filed 03/28/2022, effective 03/28/2022

OLCC 130-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-5500**

**Marijuana Worker Permit**

(1) A marijuana worker permit is required for any individual who performs work for or on behalf of a marijuana retailer, producer, processor-~~or~~, wholesaler, [or laboratory licensee](#) if the individual participates in:

(a) The delivery, possession, handling, production, propagation, processing, [sampling](#), securing-~~or~~, selling [or testing](#) of marijuana items at the premises for which the license has been issued;

(b) The recording of the delivery, possession, handling, production, propagation, processing, [sampling](#), securing-~~or~~, selling [or testing](#) of marijuana items at the premises [or laboratory](#) for which the license has been issued;

(c) The verification of any document described in ORS 475C.217; or

(d) The direct supervision of a person described in subsections (a) to (c) of this section.

(2) An individual who is required by section (1) of this rule to hold a marijuana worker permit must carry that permit on his or her person at all times when performing work on behalf of a marijuana retailer.

(3) A person who holds a marijuana worker permit must notify the Commission in writing within 10 days of any conviction for a felony.

(4) A marijuana retailer, producer, processor-~~or~~, wholesaler, [or laboratory licensee](#) must verify that an individual has a valid marijuana worker permit issued in accordance with OAR 845-025-5500 to 845-

025-5590 before allowing the individual to perform, or continue to perform, any work at the licensed premises or laboratory.

(5) Violations.

(a) A violation of section (2) of this rule is a Category IV violation.

(b) A violation of section (3) or (4) of this rule is a Category III violation.

**Statutory/Other Authority:** ORS 475C.269 & 475C.273

**Statutes/Other Implemented:** ORS 475C.269 & 475C.273, [2022 Oregon Laws Ch 117](#)

**History:**

OLCC 131-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-5585**

**Required Reporting of Trafficking and Unlawful Employment of Minors**

(1) Definitions.

(a) “Commercial sex act” means any sex act on account of which anything of value is given to or received by any individual.

(b) “Human trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of subjecting the person to involuntary servitude.

(c) “Sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(2) A permittee, employee, or licensee representative at a premises licensed under ORS 475C.005 to 475C.525 or 475C.540 to 475C.586 who has a reasonable belief that sex trafficking or other human trafficking is occurring at the premises must report that belief in a timely manner to:

(a) A law enforcement agency; and

(b) The Oregon Liquor and Cannabis Commission.

(3) A permittee, employee, or licensee representative at a premises licensed under ORS 475C.005 to 475C.525 or 475C.540 to 475C.586 and who has a reasonable belief that a minor is employed or contracted at the licensed premises in a manner that violates Commission rules must report that belief in a timely manner to the Oregon Liquor and Cannabis Commission.

(4) Violation of the requirement to report Human Trafficking and Unlawful Employment of a Minor as described in this rule is a Category II violation.

**Statutory/Other Authority:** 2022 OL Ch. 117 [Sec. 2](#)

**Statutes/Other Implemented:** 2022 OL Ch. 117 [Sec. 2](#)

**History:**

OLCC 194-2022, temporary adopt filed 04/22/2022, effective 04/25/2022 through 10/21/2022

**845-025-5720**

**Labeling, Storage, and Security of Pre-Tested Marijuana Items**

(1) Following samples being taken from a harvest or process lot batch a licensee must:

(a) Label the batch with the following information:

(A) The licensee's license number;

(B) The harvest or process lot unique identification number;

(C) The name and accreditation number of the laboratory that took samples and the name and accreditation number of the laboratory that will perform the testing, if different;

(D) The test batch or sample unique identification numbers supplied by the laboratory personnel;

(E) The date the samples were taken; and

(F) In bold, capital letters, no smaller than 12 point font, "PRODUCT NOT TESTED."

(b) Store and secure the batch in a manner that prevents the product from being tampered with or transferred or sold prior to test results being reported.

(c) Be able to easily locate a batch stored and secured under ~~section (1)~~[subsection \(b\)](#) of this ~~rule~~[section](#) and provide that location to the Commission or a laboratory upon request.

(2) A batch may be stored in more than one receptacle as long as the labeling requirements are met.

(3) If the samples pass testing the product may be sold or transferred in accordance with the applicable Commission rules.

(4) If the samples do not pass testing the licensee must comply with OAR 845-025-5740 and 333-007-0450, as applicable.

[\(5\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.540 & 475C.544

**Statutes/Other Implemented:** ORS 475C.540 & 475C.544

**History:**

OLCC 138-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-5730**

**Wholesaler Coordination of Sampling and Testing**

A wholesaler:

(1) May accept a batch, as that term is defined in OAR 333-007-0310 from a producer or processor that:

(a) Has not been sampled or tested in accordance with OAR [chapter 333, Divisions 7](#), and ~~OAR 333, Division 64~~ and may order tests and arrange for the sampling and testing of the batch in accordance with OAR [chapter 333, Divisions 7](#) and ~~OAR 333, Division 64~~ as specified in those rules.

(b) Has been sampled but has not yet been tested in accordance with OAR ~~chapter 333-007-0300 to 333-007-0490, divisions 7~~ and ~~OAR 333, Division 64~~.

(2) Must secure, label, and store pre-tested marijuana items in accordance with OAR 845-025-5720.

(3) May not transfer or sell a marijuana item unless that marijuana item:

(a) Has been sampled and tested in accordance with OAR [chapter 333-007-0300 to 333-007-0490, divisions 7](#) and ~~OAR 333, Division 64~~.

(b) Has passed all the required tests in OAR ~~333-007-0300 to 333-007-0490~~ [chapter 333, division 7](#).

(4) Is jointly and severally responsible for ensuring compliance with OAR ~~chapter 333-007-0300 to 333-007-0490, divisions 7~~ and ~~OAR 333, Division 64~~ with the licensee who produced or processed the marijuana item.

[\(5\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.093 & 475C.544

**Statutes/Other Implemented:** ORS 475C.093 & 475C.544

**History:**

OLCC 139-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

### **845-025-5740**

#### **Failed Test Samples [**

[\(1\) "Batch" has the meaning given that term in OAR 333-007-0310 and includes meeting the requirements of OAR 333-007-0350.](#)

[\(2\) If a ~~licensee~~ sample fails a \[compliance\]\(#\) test the licensee must comply with OAR 333-007-0450. ~~clearly to e~~](#)

[\(3\) If a batch fails a test under these rules a licensee:](#)

[\(a\) Must store and segregate the batch in a secure area and label the batch indicating it has failed a test.](#)

[\(b\) May not remove the batch from the premises without permission from the Commission.](#)

[\(4\) Violations. A violation of this rule is a Category II violation.](#)

**Statutory/Other Authority:** ORS 475C.540 & 475C.544

**Statutes/Other Implemented:** ORS 475C.540 & 475C.544

**History:**

OLCC 140-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-5760**

**Audit, Compliance, and Random Testing**

(1) The Commission may require a licensee [or laboratory licensee](#) to submit samples identified by the Commission to ~~a laboratory~~ [one or more laboratories](#) of the Commission's choosing to be tested in order to determine whether a licensee is in compliance with the cannabis testing rules found in ~~Chapter~~ [OAR chapter](#) 333, ~~D~~ [division](#) 7 of the Oregon Administrative Rules or any other rules of the Commission and may require additional testing that is not required by these rules.

(2) A laboratory doing audit testing must comply with these rules, to the extent they are applicable, and if conducting testing not required by these rules, may only use Authority approved methods, unless otherwise authorized by the Commission.

(3) The Commission may, at any time, require a licensee [or laboratory licensee](#) to permit the sampling of or submit a sample of a marijuana item, industrial hemp, or a hemp item [of the Commission's choosing](#) to the Commission for testing. Such testing may include testing for:

(a) Any [compliance testing required under OAR chapter 333, division 7 of the Oregon Administrative Rules.](#)

[\(b\) Any](#) microbiological contaminant.

~~(b)~~ (c) Heavy metals.

~~(e)~~ (d) Other adulterants, pesticides, solvents, additives or contaminants that may pose a risk to public health and safety, or are prohibited by law.

~~(4)~~ [\(4\) When audit testing for potency pursuant to this rule, the Commission may require an item to be relabeled with the mean average result from laboratories conducting audit testing if the Commission determines, using a Student's t-test, that there is a statistically significant difference at a 95 percent confidence interval between the audit testing result and the original compliance testing result.](#)

~~(5)~~ (5) A licensee shall submit all samples required for testing under this rule within a timeframe established by the Commission.

[\(6\) Violations. Failure to submit requested samples to OLCC as described in this rule is a Category II violation.](#)

**Statutory/Other Authority:** ORS 475C.540, 475C.544 & 571.275

**Statutes/Other Implemented:** ORS 475C.540, 475C.544 & EO 19-09

**History:**

OLCC 141-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 11-2020, amend filed 04/17/2020, effective 04/20/2020

OLCC 13-2019, temporary amend filed 10/14/2019, effective 10/15/2019 through 04/11/2020

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-5790**

**Marijuana Item Product Recalls**

(1) The Commission may request or require a licensee to recall any marijuana item, hemp item, or industrial hemp, ~~or a hemp item~~ that the licensee has sold or transferred that ~~is adulterated,~~ does not ~~comply with OAR 845-025-7000 through to 845-025-7190, or . upon a finding that circumstances exist that pose a risk to public health and safety. A recall may be based on~~ meet the minimum standards established by these rules, including, but not limited to, ~~but it not limited to,~~ when there is evidence that:

(a) Pesticides were used in the production of marijuana or industrial hemp in violation of ORS Chapter 634 ~~and or~~ OAR chapter 603, ~~D~~ivision 57;

(b) A marijuana item, hemp item, or industrial hemp, ~~or a hemp item~~ is adulterated, contaminated ~~or,~~ may pose a risk to public health and safety, or is otherwise unfit for human use, consumption, or application; ~~or~~

(c) A marijuana item, ~~including any marijuana, usable marijuana, cannabinoid concentrate or extract used in the processing of the marijuana item,~~ was not produced or processed by a ~~licensee does not comply with OAR 845-025-7000 to 845-025-7190~~ licensee or was processed using a marijuana item that ~~such a way~~ was not produced or processed by a licensee, except as explicitly allowed by these rules; or

(d) A marijuana item, hemp item, or industrial hemp or is labeled or packaged in a manner that poses a risk to public health and safety.

(2) If the Commission finds that a recall is required, the Commission ~~must:~~

(a) May notify ~~the,~~ or require the licensee to notify, the public and licensees of the recall, ~~may;~~

(b) May require a licensee to notify ~~an individual~~ a person to whom a marijuana item, industrial hemp, or a hemp item was sold; and ~~may~~

(c) May require that the licensee destroy the recalled product, ~~request IIIIIIIII IIII,~~

~~label~~HD (3) Initiating a Recall: If the Commission requests or requires a licensee to initiate a recall pursuant to this rule, the Commission must include the reasons for the recall and any other information necessary for the licensee to initiate a recall.

(4) A licensee conducting a recall must:

(a) Have a product removal strategy appropriate to the threat and location of the recalled product.

(b) Identify the scope of impacted product and establish a process for identifying affected product subject to a recall, which must include the following:

(A) Distribution list. When identifying products subject to a recall, the licensee must create a distribution list that includes the following information:

(i) The name, license number ~~& APCcT ,,,,~~ and address of the person that received the product subject to the recall;

(ii) Manifest or transfer date for each product subject to the recall; and

(iii) Business contact information for each person that received product subject to the recall, including names and telephone numbers.

(B) Product information. When identifying product subject to a recall, the licensee must document the following product information:

(i) Product description;

(ii) If applicable, a photograph of the label;

(iii) If applicable, the label identification number required by OAR 845-025-7030 and UID number listed on the label of any affected product; and

(iv) The license number of the licensee that produced or manufactured the product subject to the recall.

(c) Provide notification of affected parties:

(A) Notify the Commission of any recall within 24 hours of initiating the recall.

(B) Issue a recall notice to each business identified on the licensee's distribution list under paragraph (4)(b)(A) of this rule including the following information:

(i) Product description for the product subject to the recall;

(ii) The reason for recall and related hazards, if any. If the product is being removed for quality rather than health reasons, the notice may state that the product does not meet internal company specifications and is being removed from distribution.

(iii) The item category of any affected product and, if applicable, the product identity on the label.

(iv) The license number, name, and trade name of the licensee that produced or manufactured the product subject to the recall;

(v) Source UID numbers for the product subject to the recall;

(vi) Expiration date(s) for the product subject to the recall, if applicable;

(vii) Date or date range of the manufacture or harvest of the product subject to the recall; and

(vii) Instructions regarding the disposition of the affected product subject to the recall.

(C) No later than 48 hours from issuing a recall notice under paragraph (B) of this subsection, notify consumers of the recall using the most effective method available, which may include any of the following methods:

(i) An email to customer email list.

(ii) An alert on the licensee's website.

(iii) A warning that is clearly and visibly posted on the licensed premises.

(iv) A press release to notify consumers.

(d) Make all reasonable efforts to remove the affected products from commerce. Affected products that are either still in control of the originating licensee or in commerce must be secured, segregated, clearly labeled not for sale or distribution and separated from any other non-affected products.

(e) Complete recall effectiveness checks to verify that all receiving licensees have been notified and have taken the appropriate action, including:

(A) Confirming the receiving licensee received the recall notification;

(B) Determining whether the recalled marijuana item, hemp item, or industrial hemp was handled as instructed in the recall notification; and

(C) If the product was further distributed or sold by the receiving licensee before receipt of the recall notification, and if so, were these additional licensees notified.

(5) Prior to the recall being initiated, the Commission may require the licensee to submit any information required by this rule.

(6) Business records created as part of a recall should be maintained in accordance with OAR 845-025-1200.

(7) Violations. A violation of this rule is a Category I violation.

**Statutory/Other Authority:** ORS 475C.017, ORS 475C.237, ORS 571.337 & 571.275

**Statutes/Other Implemented:** ORS 475C.021

**History:**

OLCC 142-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

**845-025-7170**

**Packaging and Labeling Prohibited Conduct**

~~The Commission may impose a civil penalty of up to \$500 per day per violation for any of the following:.~~

~~(1) The following conduct is prohibited:~~

~~(a) Failure to comply with these rules.~~

~~(2b) Transferring, selling or offering to sell a marijuana ~~item or industrial~~ hemp ~~commodity or product~~item for ultimate sale to a consumer to another licensee that is not packaged or labeled in accordance with these rules.~~

~~(3) ~~Failing~~ Failure to receive package and label approval prior to transferring, selling, or offering for sale a marijuana ~~item or industrial~~ hemp ~~commodity or product~~item that is for ultimate sale to a consumer.~~

~~(4d) Transferring, selling, or offering for sale a marijuana ~~item or industrial~~ hemp ~~commodity or product~~item that has not received package or label approval.~~

~~(5e) Selling or offering to sell a marijuana ~~item or industrial~~ hemp ~~commodity or product~~item under a different label or package than what was approved.~~

~~(6i) Selling a marijuana ~~item or industrial~~ hemp ~~commodity or product~~item in a package that is not resealable and continually child-resistant as required by these rules.~~

(2) The Commission may impose a civil penalty of up to \$500 per violation for any of the actions listed in this rule.

(a) Each violation of a provision of ORS 475C.600 to 475C.648 or a rule adopted under these provisions is a separate violation.

(b) Each unit of sale that is in violation of a rule or statute constitutes a separate violation.

(c) Civil penalties are assessed as follows:

(A) Except as provided in paragraphs (B) and (C) of this subsection, violations of OAR 845-025-7000 through 845-025-7190 will be assessed at \$50 per violation with a total penalty amount capped at \$10,000.

(B) Violations of OAR 845-025-7030(2) will be assessed at \$250 per violation with a total penalty amount capped at \$50,000, except that intentional violations of OAR 845-025-7030(2) in which a package or label is untruthful or misleading will be assessed at \$500 per violation with a total penalty amount capped at \$100,000.

(C) Notwithstanding paragraphs (A) and (B) of this subsection, any violations that create a present threat to public health or safety will be assessed at \$500 per violation with a total penalty amount capped at \$500,000.

(D) If a licensee has previously been assessed a civil penalty under this rule, in assessing any subsequent civil penalty under this rule for violations that occur within the same two year period:

(i) The per violation amount will be doubled, up to a maximum of \$500 per violation; and

(ii) The total penalty cap will be doubled.

**Statutory/Other Authority:** ORS 475C.604, [475C.608](#), [475C.612](#), [475C.616](#), [475C.636](#) & [475C.644](#)

**Statutes/Other Implemented:** ORS 475C.604 & [475C.644](#)

**History:**

OLCC 160-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 6-2018, adopt filed 05/23/2018, effective 06/01/2018

**845-025-7500**

**Seed-To-Sale Tracking — CTS Requirements**

(1) A licensee must:

(a) Use CTS as the primary inventory and recording keeping system.

(b) Have a CTS account activated and functional within three business days of being licensed and must maintain an active account while licensed.

(2) A licensee must have at least one license holder who is a CTS administrator. A licensee may authorize additional license holders or licensee representatives to obtain Administrator accounts.

(3) In order to obtain a CTS administrator account, a license holder must attend and successfully complete all required CTS training, except as provided in section (4) of this rule. The Commission may

also require additional ongoing, continuing education for individual administrators to retain his or her CTS administrator account.

(4) A licensee may designate licensee representatives as CTS users. A designated user must be trained by a CTS administrator in the proper and lawful use of CTS. Notwithstanding section (3) of this rule, a licensee may designate a licensee representative to attend and successfully complete required CTS training so long as both the licensee and the designated representative obtain CTS administrator accounts.

(5) A licensee must:

(a) Maintain an accurate and complete list of all CTS administrators and CTS users for each licensed premises and must update the list when a new CTS user is trained.

(b) Train and authorize any new CTS users before those users are permitted to access CTS or input, modify, or delete any information in CTS.

(c) Cancel any CTS administrator or user from an associated CTS account if that individual is no longer a licensee representative or the administrator or user has violated OAR 845-025-7500 to 845-025-7590.

(d) Correct any data that is entered into CTS in error.

(6) A licensee is accountable for all actions licensee representatives take while logged into CTS or otherwise conducting inventory tracking activities.

(7) Nothing in this rule prohibits a licensee from using secondary separate software applications to collect information to be used by the business including secondary inventory tracking or point of sale systems. If a licensee uses a separate software application that links to the CTS system it must get approval from the CTS vendor contracting with the Commission and the software application must:

(a) Accurately transfer all relevant CTS data to and from CTS for the purposes of reconciliations with any secondary systems.

(b) Preserve original CTS data when transferred to and from a secondary application.

(8) If at any point a licensee loses access to CTS for any reason, the licensee must keep and maintain comprehensive records detailing all tracking inventory activities that were conducted during the loss of access.

(a) Once access is restored, all inventory tracking activities that occurred during the loss of access must be entered into CTS.

(b) A licensee must document when access to the system was lost and when it was restored.

(c) A licensee may not transport any marijuana items to another licensed premises until such time as access is restored and all information is recorded into CTS.

[\(9\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.548 & 475C.177

**Statutes/Other Implemented:** ORS 475C.097

**History:**

OLCC 163-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

### **845-025-7520**

#### **Unique Identification (UID) Tags**

(1) A licensee, grow site administrator, person responsible for a marijuana processing site, person responsible for a dispensary, and hemp certificate holder must:

(a) Use UID tags issued by a Commission-approved vendor that is authorized to provide UID tags for CTS. Each licensee is responsible for the cost of all UID tags and any associated vendor fees.

(b) Have an adequate supply of UID tags at all times, except during the first ten calendar days of licensure so long as UID tags have been ordered and are in transit to the premises.

(c) Assign and affix a UID tag to each individual marijuana plant being cultivated no later than when each plant reaches a height of 36 inches or when the individual plant is flowering, whichever is sooner.

(d) Assign and affix a UID tag to all other marijuana items, or receptacles containing marijuana items, in a manner that:

(A) Establishes an accurate record from one marijuana item to another; and

(B) Uses a new UID tag each time a marijuana item is added to or placed in a receptacle.

(e) Place tags in a position that can be clearly read by an individual standing next to the item and the tag must be kept free from dirt and debris.

(2) The requirements of subsection (1)(d) of this rule do not apply to producers or grow site administrators in the first 45 days after the harvest of a marijuana plant if a UID tag has not yet been designated in CTS.

(3) A licensee, research certificate holder, laboratory licensee, hemp certificate holder, grow site subject to CTS tracking, or medical marijuana processing site may not combine marijuana items or hemp items of different size, potency, or category under a single UID tag, except for:

(a) Mixed lots of usable marijuana;

(b) Mixed lots of usable hemp;

(c) Pre-rolled marijuana of identical weight of usable marijuana; or

(d) Cannabinoid concentrates, extracts, or hemp items that are transferred to a processor or processing site to be processed.

#### (4) Violations.

(a) A violation of subsection (1)(d) of this rule is a Category III violation.

(b) All other violations of this rule are Category IV violations.

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.548 & ORS 475C.097

**Statutes/Other Implemented:** ORS 475C.097

**History:**

OLCC 164-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-7560**

**Seed-To-Sale Tracking — System Notifications**

A licensee must:

- (1) Monitor all compliance notifications from CTS and resolve the issues detailed in the compliance notification in a timely fashion. A licensee may not dismiss a compliance notification in CTS until the licensee resolves the compliance issues detailed in the notification.
- (2) Take appropriate action in response to informational notifications received through CTS, including but not limited to notifications related to UID billing, enforcement alerts, and other pertinent information.

[\(3\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097 & 475C.548

**Statutes/Other Implemented:** ORS 475C.177

**History:**

OLCC 166-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-7570**

**Seed-To-Sale Tracking — Cultivation Batches**

- (1) Immature marijuana plants under 36 inches in height at the premises of a producer, at a grow site subject to tracking in CTS, or at the premises of a research certificate holder must be recorded in CTS as part of a cultivation batch.
- (2) A producer, research certificate holder, or grow site administrator must assign each cultivation batch a unique user-generated batch name and record the batch name and number of immature marijuana plants in each cultivation batch in CTS.
- (3) Batch names must be physically affixed to the cultivation batch or the segregated area where the cultivation batch is physically located.
- (4) A cultivation batch may not have more than 100 immature marijuana plants less than 36 inches tall.
- (5) A producer, research certificate holder, or grow site administrator may have an unlimited number of cultivation batches at any one time.

[\(6\) Violations. A violation of this rule is a Category IV violation.](#)

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.065 & 475C.177

**History:**

OLCC 167-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-~~16~~16

**845-025-7580**

**Reconciliation with Inventory**

(1) All licensees, laboratory licensees, research certificate holders, grow site administrators, medical marijuana processing sites, and medical marijuana dispensaries must:

(a) Use CTS for all inventory tracking activities, as defined by these rules.

(b) By ~~8:00 AM~~ a.m. local time of the next calendar day, reconcile all marijuana item inventories and weights in CTS;

(c) Record all required information for usable marijuana, cannabinoid concentrates and extracts by weight;

(d) Record the wet weight of each harvested marijuana plants immediately after harvest; and

(e) Record all required information for cannabinoid products by unit count but must also record the weight per unit of a product.

(2) Notwithstanding subsection (1)(b) of this rule, during the first 45 days following the harvest of a marijuana plant, daily reconciliation of the weight of moisture lost to evaporation is not required for marijuana. The weight of moisture loss must be reconciled prior to any transfer, processing, sale, or packaging and no later than 45 days after the harvest, whichever comes first.

(3) The requirements in subsection (1)(b) and section (5) of this rule do not apply during the first ten calendar days of licensure or registration so long as the licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary has ordered UID tags and the UID tags are in transit to the receiving party.

(4) The requirements in subsection (1)(b) of this rule do not apply to marijuana items held by a laboratory licensee that are undergoing analytical testing required by these rules or OAR 333-007-0300 to 333-007-0490 so long as the marijuana items do not leave the laboratory's licensed premises and are reconciled on the same day that the analytical testing concludes.

(5) Notwithstanding subsection (1)(d) of this rule, the wet weight of each harvested marijuana plant may be entered as the mean average of the plants being harvested. The mean average shall be calculated as the sum total wet weight of the plants being entered into CTS as an individual group divided by the number of plants in that group.

(6) In addition to the requirements in section (1) of this rule, retailers and medical marijuana dispensaries must record each sale, delivery, or transfer of a marijuana item to a consumer as a sales transaction and record the price before tax and amount of each item sold and the date of each

transaction in CTS for each individual transaction. A marijuana item transferred to a medical marijuana patient or caregiver for no cost must be recorded as a sales transaction with zero price.

(7) Information that was not required to be recorded and reconciled daily pursuant to section (3) of this rule must be recorded and reconciled within three calendar days of the licensee's, grow site administrator's, medical marijuana processing site's, or medical marijuana dispensary's receipt of UID tags.

[\(8\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.177

**History:**

OLCC 168-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022

OLCC 6-2021, temporary amend filed 07/15/2021, effective 07/16/2021 through 12/31/2021

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 15-2016(Temp), f. & cert. ef. 9-20-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-7590**

**Seed-To-Sale Tracking — Inventory Audits**

The Commission may perform a physical audit of the inventory of any licensee at the agency's discretion ~~and with reasonable notice to the licensee.~~ Variances between the physical audit and the inventory reflected in CTS at the time of the audit, which cannot be attributed to normal moisture variation in usable marijuana, are violations. The Commission may impose a civil penalty, suspend or revoke a licensee for violation of this section.

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.205

**History:**

OLCC 169-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-7700**

**Transportation and Delivery of Marijuana Items**

(1) Marijuana items transferred by licensees.

(a) Marijuana items transferred between licensed premises may only be transported by:

(A) A licensee or licensee representative of the originating license or another license under common ownership;

(B) A licensee or licensee representative of the receiving license; or

(C) A wholesale licensee or wholesale licensee representative on behalf of the originating or receiving licensee.

(b) Marijuana items transferred by a licensee to a PRMG or to the residence of a registry identification cardholder or designated primary caregiver may only be transported by the originating licensee or a licensee representative of the originating licensee.

(c) Samples of marijuana items that are obtained by a laboratory licensee pursuant to OAR 333-007-0360 may only be transported by the laboratory licensee or a laboratory licensee representative of the receiving laboratory.

(2) Physical transport requirements for licensees.

(a) An individual authorized to transport marijuana items on behalf of a licensee or laboratory licensee must have a valid Driver License.

(b) A licensee or laboratory licensee must:

(A) Store marijuana items in the delivery vehicle within a locked, secured area, shielded from view from the exterior of the vehicle;

(B) When transporting perishable marijuana items, provide appropriate temperature control within the transport vehicle;

(C) Use a delivery vehicle that is equipped with an alarm system and is insured at or above the legal requirements in Oregon;

(D) Deliver marijuana items to all destinations and return any remaining marijuana items to the origin premises within 60 hours of original departure;

(E) Document all overnight stops in the planned route of the manifest and include the address, estimated arrival time at, and estimated departure time from the location of each overnight stop;

(F) Package all marijuana items for transport in shipping containers and assign and affix a UID tag to all receptacles containing marijuana items as required by these rules;

(G) Provide a copy of the manifest to each location receiving the inventory described on the manifest, but may prepare a separate CTS manifest for each receiving location in order to maintain transaction confidentiality;

(H) Contact the Commission immediately, or as soon as possible under the circumstances, if a vehicle transporting marijuana items is involved in any accident or other situation involving product loss;

(I) Travel directly from the originating location to the destination location as described in the manifest route;

(J) Notify the Commission in advance of every stop at an unlicensed location that exceeds two hours in duration and is not already listed in the manifest route; and

(K) Immediately make the vehicle and its contents available for inspection upon the Commission's request if the delivery vehicle is stopped at an unlicensed location.

(c) A licensee or laboratory licensee may not:

(A) Make any unnecessary stops in between the originating and destination locations except to other licensed premises receiving inventory as described on the manifest;

(B) Remove the marijuana items from the vehicle until they arrive at the destination recorded in the manifest. Licensees or laboratory licensees may not transfer marijuana items to, nor store marijuana items in a hotel or any other unlicensed premises;

(C) Except as allowed in section (8) of this rule, void or change a manifest after departing the originating premises; or

(D) Travel with any persons not listed on the manifest.

(3) CTS Manifest General Requirements.

(a) Prior to removing a marijuana item from the originating location for the purposes of transport or delivery, the originating licensee, laboratory licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must use CTS to generate a printed transport manifest containing the following information:

(A) The originating location's license number and address as it appears in CTS;

(B) The destination location's license number and address as it appears in CTS;

(C) The UID, product name, and quantity (by weight or unit as applicable) of each marijuana item;

(D) The actual date and estimated time of departure;

(E) Location and duration of time for any overnight stop;

(F) The arrival date and estimated time of arrival or completion of delivery;

(G) The delivery vehicle make, model, and license plate number; and

(H) The name, contact information, worker permit number and signature of the individual accompanying the transport.

(b) A physical, printed copy of the generated manifest must accompany every transport of marijuana items.

(c) An originating licensee transporting marijuana items to a retailer licensee must generate a manifest at least 24 hours in advance of initiating transport, if the marijuana items being transported exceed:

(A) 25 pounds of usable marijuana;

(B) One pound of cannabinoid concentrate or extract; or

(C) 1,000 units of sale of any individual cannabinoid product.

(d) Notwithstanding subsection ~~(3)(b)~~ of this [rule section](#), a manifest is not required for a sales transaction or transfer of marijuana to a consumer, patient, or caregiver when the physical transfer of the marijuana occurs at the premises of a licensed retailer or at a medical marijuana dispensary.

(4) CTS Manifest Requirements for Transports to Consumers. When transporting marijuana items to a consumer as allowed by these rules, the manifest must include:

(a) The information required on the manifest by subsection (3)(a) of this rule, except for a destination location license number;

(b) The name of the individual receiving the marijuana item;

(c) The address of the destination; and

(d) All information for the manifest required under OAR 845-025-2880.

(5) CTS Manifest Requirements for Transfers to PRMGs, Registry Identification Cardholders, or Designated Primary Caregivers.

(a) Prior to transferring marijuana items to a PRMG, registry identification cardholder, or designated primary caregiver, a licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must use CTS to generate a printed transport manifest containing:

(A) The information required on a manifest by subsection (3)(a) of this rule, except for a destination location license number;

(B) The name of the individual receiving the marijuana item;

(C) The address of the destination, if the delivery is not completed at the originating location;

(D) If delivered to a registry identification cardholder, the registry identification card number;

(E) If delivered to a designated primary caregiver on behalf of a patient, designated primary caregiver identification card; and

(F) If delivered to a PRMG, the marijuana grower and grow site registration card number of the PRMG.

(b) A licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary transporting marijuana to individuals or locations not in CTS must record whether each marijuana item was accepted by the recipient or rejected and returned to the originating location inventory, and if accepted, record the transport as complete in CTS.

(6) CTS Requirements when Receiving from Locations in CTS. Upon receipt of a delivery of marijuana items, the receiving licensee, laboratory licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must:

(a) Record each applicable UID as accepted and received or rejected in CTS as applicable;

(b) Verify the marijuana items received are as described on the manifest and record receipt of the marijuana items in CTS if accepted; and

(c) Separately and for each UID, document any differences between the quantities specified on the manifest and the quantities received in CTS.

(7) CTS Requirements when Receiving from Locations Not in CTS. When receiving marijuana items from a source not subject to CTS tracking but otherwise allowed by these rules or OAR [Chapter 333, Division 8](#), a licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must:

(a) Use CTS to record an incoming manifest including the registry identification card number, designated primary caregiver identification card number, or grow site registration card number, as applicable;

(b) Assign and affix a UID tag to each quantity of marijuana items received;

(c) Use CTS to record the incoming transport no later than the time of daily inventory reconciliation as required by these rules; and

(d) Verify the marijuana items received are as described on the manifest and record receipt of the marijuana items in CTS.

(8) Licensee Transport of Marijuana to Intermediary Stops. A licensee may remove marijuana items from a manifest after departing from the originating premises if:

(a) The route of the original manifest lists the trade name, license number, address, and estimated arrival time for each licensed premises that will be visited as an intermediary stop;

(b) All marijuana items in the vehicle are included on a CTS manifest at the time of departure from the originating premises;

(c) Marijuana items that are removed from the original manifest at an intermediary stop are immediately added to a new CTS manifest. The destination license on the new manifest must be listed on the original manifest route as an intermediary stop;

(d) Changes to the original manifest under subsection ~~(8)(c)~~ of this [rule section](#) are only made while the marijuana items subject to the change are physically located within the licensed premises of the intermediary stop to which they are being transferred; and

(e) The amount of marijuana items being transported in the vehicle does not exceed:

(A) 25 pounds of usable marijuana;

(B) One pound of concentrate or extract; or

(C) 1,000 units of sale of any individual cannabinoid product.

#### [\(9\) Violations.](#)

[\(a\) A violation of section \(1\) of this rule is a Category I violation.](#)

[\(b\) A violation of section \(2\) through \(4\) of this rule is a Category III violation.](#)

[\(c\) A violation of section \(5\) through \(8\) of this rule is a Category IV violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

#### **History:**

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OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-~~16~~84516

**845-025-7750**

**Waste Management**

(1) A licensee must:

(a) Store, manage and dispose of solid and liquid wastes generated during marijuana production and processing in accordance with applicable state and local laws and regulations which may include but are not limited to:

(A) Solid waste requirements in ORS 459 and OAR [chapter 340](#), [D](#)ivisions 93 to 96;

(B) Hazardous waste requirements in ORS 466 and OAR [chapter 340](#), [D](#)ivisions 100 to 106; and

(C) Wastewater requirements in ORS 468B and OAR [chapter 340](#), [D](#)ivisions 41 to 42, 44 to 45, 53, 55 and 73.

(b) Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.

(c) If a licensee generates the waste post-harvest or if an entire marijuana plant greater than 24 inches tall is designated as waste:

(A) The waste must be held on the licensed premises for at least three business days under camera coverage prior to disposal.

(B) The licensee must document a reason for the waste in a form and manner prescribed by the Commission.

(C) The licensee must document the exact time and method of destruction in a form and manner prescribed by the Commission.

(d) For waste that was previously designated a marijuana item, all licensees must:

(A) Hold on the licensed premises for at least three business days under camera coverage prior to disposal;

(B) Document a reason for the waste in a form and manner prescribed by the Commission; and

(C) Document the exact time and method of destruction in a form and manner prescribed by the Commission.

(2) A licensee may give or sell marijuana waste to a producer, processor or wholesale licensee or research certificate holder. Any such transaction must be entered into CTS pursuant to OAR 845-025-7500.

(3) In addition to information required to be entered into CTS pursuant to OAR 845-025-7500, a licensee must maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of marijuana.

(4) Waste items consisting of usable marijuana, concentrates, extracts or cannabinoid products must be disposed of on the licensed premises or transferred to another licensee for disposal.

(5) Any product containing marijuana or hemp waste may not be transferred or sold to any licensee for consumption.

[\(6\) Violations. A violation of this rule is a Category III violation.](#)

**Statutory/Other Authority:** ORS 475C.017 & 475C.117

**Statutes/Other Implemented:** 475C.117, ORS 475C.065, 475C.085, 475C.093 & 475C.097

**History:**

OLCC 171-2022, minor correction filed 03/25/2022, effective 03/25/2022

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OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-8040**

**Advertising Restrictions**

(1) Marijuana advertising may not:

(a) Contain statements that are deceptive, false, or misleading;

(b) Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors;

(c) Specifically encourages the transportation of marijuana items across state lines or otherwise encourages illegal activity;

(d) Assert that marijuana items are safe because they are regulated by the Commission or have been tested by a certified laboratory or otherwise make claims that any government agency endorses or supports marijuana;

(e) Make claims that recreational marijuana has curative or therapeutic effects;

(f) Display consumption of marijuana items;

(g) Contain material that encourages the use of marijuana because of its intoxicating effect; or

(h) Contain material that encourages excessive or rapid consumption.

(2) A licensee may not make any deceptive, false, or misleading assertions or statements on any informational material, any sign, or any document provided to a consumer.

(3) A licensee must include the following statements on all print, billboard, television, radio and internet advertising in font size legible to the viewer:

(a) "Do not operate a vehicle or machinery under the influence of this drug.";

(b) "For use only by adults twenty-one years of age and older."; and

(c) "Keep out of the reach of children."

[\(4\) Violations. A violation of this rule is a Category V violation.](#)

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.017

**History:**

OLCC 174-2022, minor correction filed 03/25/2022, effective 03/25/2022

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OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-8060**

**Advertising Media, Coupons, and Promotions**

(1) The Commission prohibits advertising through handbills that are passed out in public areas such as parking lots and publicly owned property.

(2) A licensee may not utilize television, radio, billboards, print media or internet advertising unless the licensee has reliable evidence that no more than 30 percent of the audience for the program, publication or internet web site in or on which the advertising is to air or appear is reasonably expected to be under the age of 21.

(3) A licensee who advertises via web page must utilize appropriate measures to ensure that individuals visiting the web page are over 21 years of age.

(4) A licensee may not engage in advertising via marketing directed towards location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.

[\(5\) Violations. A violation of this rule is a Category V violation.](#)

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.017

**History:**

OLCC 175-2022, minor correction filed 03/25/2022, effective 03/25/2022

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OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-8080**

**Removal of Objectionable and Non-Conforming Advertising**

(1) A licensee must remove any sign, display, or advertisement if the Commission finds it violates these rules.

(2) The Commission will notify the licensee and specify a reasonable time period for the licensee to remove any sign, display or advertisement that the Commission finds objectionable.

[\(3\) Violations. A violation of this rule is a Category V violation.](#)

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.017

**History:**

OLCC 176-2022, minor correction filed 03/25/2022, effective 03/25/2022

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OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-8500**

**Responsibility of Licensee, Responsibility for Conduct of Others**

Each [licensee or laboratory](#) licensee is responsible for violations of any provision of ORS 475C affecting the licensed privileges, or these rules and for any act or omission of a licensee representative that violates any law, administrative rule, or regulation affecting the licensed privileges.

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.017

**History:**

OLCC 177-2022, minor correction filed 03/25/2022, effective 03/25/2022

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OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-8520**

**Prohibited Conduct**

(1) Sale to a Minor. A licensee or permittee may not sell, deliver, transfer or make available any marijuana item or hemp item to a person under 21 years of age unless the individual holds a valid OMMP patient or designated primary caregiver card.

(a) Violation of this section for an intentional sale to a minor by licensee or permittee or licensee representative is a Category II violation.

(b) Violation of this section for other than intentional sales is a Category II(b) violation.

(2) Identification. A licensee or licensee representative must require a person to produce identification as required by ORS 475C.217 before selling or providing a marijuana item or hemp item to that person. Violation of this section is a Category IV violation.

(3) Access to Premises.

(a) A licensee, laboratory licensee, or permittee may not:

(A) During regular business hours for the licensed premises, refuse to admit or fail to promptly admit a Commission regulatory specialist who identifies him or herself and who enters or wants to enter a licensed premises to conduct an inspection to ensure compliance with ORS 475C affecting the licensed privileges; or these rules;

(B) Outside of regular business hours or when the premises appear closed, refuse to admit or fail to promptly admit a Commission regulatory specialist who identifies him or herself and requests entry on the basis that there is a reason to believe a violation of ORS 475C affecting the licensed privileges; or these rules is occurring; or

(C) Once a regulatory specialist is on the licensed premises, ask the regulatory specialist to leave until the specialist has had an opportunity to conduct an inspection to ensure compliance with ORS 475C affecting the licensed privileges; or these rules.

(b) Violation of subsection (a) of this section is a Category II violation.

(c) A licensee or laboratory licensee must at all times retain control of, or the right of access to, all or any part of the licensed premises.

(A) Failure to retain such control or right of access is a Category II violation. If the licensee has marijuana items in physical inventory at the licensed premises or in CTS, failure to retain such control or right of access is a Category I violation and may be grounds for immediate suspension or cancellation of the license.

(B) Notwithstanding paragraph (A) of this subsection, a licensee is not in violation of this section if:

(i) Licensee has met the requirements in OAR 845-025-~~1160(6)~~; [1180](#):

(ii) Licensee lost access to the premises through no fault of their own, is unable to find a new location within 30 days of losing access to the premises, and removes all marijuana items from the licensed premises in compliance with ORS Chapter 475C and these rules prior to losing access, or

(iii) Licensee promptly notifies the Commission of the failure to retain access to the premises and surrenders its license.

(4) Use or Consumption of Intoxicants on Duty and Under the Influence on Duty.

(a) No licensee, licensee representative, laboratory licensee, laboratory licensee representative, or permittee may consume any intoxicating substances while on duty, except for employees as permitted under OAR 845-025-1230(6)(b). Violation of this subsection is a Category III violation.

(b) No licensee, licensee representative, laboratory licensee, laboratory licensee representative, or permittee may be under the influence of intoxicating substances while on duty. Violation of this subsection is a Category II violation.

(c) Whether a person is paid or scheduled for a work shift is not determinative of whether the person is considered "on duty."

(d) As used in this section:

(A) "On duty" means:

(i) From the beginning to the end of a work shift for the licensed business, including any and all coffee, rest or meal breaks; or

(ii) Performing any acts on behalf of the licensee or the licensed business outside of a work shift if the individual has the authority to put himself or herself on duty.

(B) "Intoxicants" means any substance that is known to have or does have intoxicating effects, and includes alcohol, marijuana, or any other controlled substances.

(5) Permitting Use of Marijuana at Licensed Premises. A licensee, laboratory licensee, or permittee may not permit the use or consumption of marijuana, hemp items, or any other intoxicating substance, anywhere in or on the licensed premises, or in surrounding areas under the control of the licensee,

except for employees as permitted under OAR 845-025-1230(6)(b). Violation of this section is a Category III violation.

(6) Import and Export. A licensee, laboratory licensee, or permittee may not import marijuana items into this state or export marijuana items out of this state. Violation of this section is a Category I violation and could result in license or permit revocation.

(7) Permitting, Disorderly or Unlawful Conduct. A licensee, laboratory licensee, or permittee may not permit disorderly activity or activity that is unlawful under Oregon state law on the licensed premises or in areas adjacent to or outside the licensed premises under the control of the licensee. [A violation of this section other than as described in subsections \(a\) and \(b\) of this section is a Category III violation.](#)

(a) If the prohibited activity under this section results in death or serious physical injury, or involves unlawful use or attempted use of a deadly weapon against another person, or results in a sexual offense which is a Class A felony such as first degree rape, sodomy, or unlawful sexual penetration, the violation is a Category I violation and could result in license or permit revocation.

(b) If the prohibited activity under this section involves use of a dangerous weapon against another person with intent to cause death or serious physical injury, it is a Category II violation.

(c) As used in this section:

(A) "Disorderly activities" means activities that harass, threaten or physically harm oneself or another person.

(B) "Unlawful activity" means activities that violate the laws of this state, including but not limited to any activity that violates a state criminal statute.

(d) The Commission does not require a conviction to establish a violation of this section except as required in ORS 475C.037.

(8) Marijuana as a Prize, Premium or Consideration. No licensee or permittee may give or permit the giving of any marijuana item as a prize, premium, or consideration for any lottery, contest, game of chance or skill, exhibition, or any competition of any kind on the licensed premises. Violation of this section is a Category V violation.

(9) Visibly Intoxicated Persons. No licensee or permittee may sell, give, or otherwise make available any marijuana item to any person who is visibly intoxicated. Violation of this section is a Category III violation.

(10) Prohibited inhalable cannabinoid products.

(a) For purposes of this rule, a "prohibited inhalable cannabinoid product" is an inhalable cannabinoid product that does not meet the requirements of OAR 845-025-3265.

(b) No licensee or permittee may:

(A) Process or manufacture a prohibited inhalable cannabinoid product on or after April 1, 2021;

(B) Possess, sell, deliver, transfer, transport, purchase, or receive the prohibited inhalable cannabinoid product on or after July 1, 2021, if the prohibited inhalable cannabinoid product was processed or manufactured prior to April 1, 2021; or

(C) Possess, sell, deliver, transfer, transport, purchase, or receive a prohibited inhalable cannabinoid product that was processed or manufactured on or after April 1, 2021.

(c) Violation of this section is a Category III violation. An intentional violation of this section is a Category II violation.

(11) Additional Prohibitions. A licensee or permittee may not:

(a) Sell or deliver any marijuana item or hemp item through a drive-up or walk-up window.

(b) Use any device or machine that both verifies the age of the consumer and delivers marijuana or hemp items to the consumer.

(c) Deliver marijuana or hemp items to a consumer off the licensed premises, except that retail licensees may provide delivery as set forth in OAR 845-025-2880.

(d) Violation of subsection (a), (b), or (c) of this section is a Category III violation.

(e) Permit industrial hemp or a hemp item to be present on the licensed premises, except as allowed by these rules. Violation of this subsection is a Category III violation. An intentional violation is a Category II violation.

**Statutory/Other Authority:** ORS 475C.017, ORS 475C.065, 475C.085, 475C.093, 475C.233 & 475C.237

**Statutes/Other Implemented:** ORS 475C.065, 475C.085, 475C.093, ORS 475C.097, 475C.229, 475C.329, 475C.333 & 475C.109

**History:**

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OLCC 24-2020, amend filed 12/21/2020, effective 12/22/2020

OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020

OLCC 4-2019, amend filed 02/25/2019, effective 03/01/2019

OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018

OLCC 7-2018, amend filed 07/26/2018, effective 08/01/2018

OLCC 1-2018, temporary amend filed 01/25/2018, effective 01/26/2018 through 07/23/2018

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OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-8540**

**Dishonest Conduct**

(1) False Statements. A licensee, [laboratory licensee](#), or permittee may not:

(a) Make a false statement or representation to the Commission or law enforcement in order to induce or prevent action or investigation by the Commission or law enforcement. Violation of this subsection is a Category II violation.

(b) If the Commission finds that the false statement or representation was intentional, the Commission may charge the violation as a Category I violation and could result in license or permit revocation.

(2) Marijuana Item Misrepresentations.

(a) A licensee, [laboratory licensee](#), or permittee may not misrepresent any marijuana item to a consumer, licensee, or the public, including:

(A) Misrepresenting the contents of a marijuana item;

(B) Misrepresenting the testing results of a marijuana item;

(C) Misrepresenting the potency of a marijuana item; or

(D) Making representations or claims that the marijuana item has curative or therapeutic effects.

(b) A licensee may not treat or otherwise adulterate usable marijuana with any chemical, biologically active drug, plant, substance, including nicotine, or other compound that has the effect or intent of altering the usable marijuana's color, appearance, weight or smell or that has the effect or intent of increasing potency, toxicity or addictiveness.

(c) A knowing or intentional violation of this section is a Category I violation and could result in license or permit revocation.

(d) Violation of this section in any manner other than knowing or intentional is a Category II violation.

(3) Supply of Adulterated Marijuana Items.

(a) A licensee [or permittee](#) may not supply adulterated marijuana items.

(b) Violation of this section is a Category I violation and could result in license revocation.

(4) Evidence. A licensee, [laboratory licensee](#), or permittee may not:

(a) Intentionally destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so. Violation of this subsection is a Category I violation and could result in license revocation.

(b) Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so, in any manner other than intentional. Violation of this subsection is a Category II violation.

(c) Refuse to give, or fail to promptly give, a Commission regulatory specialist or law enforcement officer evidence when lawfully requested to do so. Violation of this subsection is a Category II violation.

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.245

**History:**

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**845-025-8560**

**Inspections**

(1) The Commission may conduct:

- (a) An inspection at any time to ensure that a registrant, licensee or permittee is in compliance with ORS 475C or these rules; or
  - (b) Compliance transactions in order to determine whether a licensee or permittee is complying with ORS 475C or these rules.
- (2) A licensee, licensee representative, or permittee must cooperate with the Commission during an inspection.
- (3) If licensee, licensee representative or permittee fails to permit the Commission to conduct an inspection the Commission may seek an investigative subpoena to inspect the premises and gather books, payrolls, accounts, papers, documents or records.

[\(4\) Failure to cooperate with the Commission during an inspection as described in this rule is a Category II violation.](#)

**Statutory/Other Authority:** ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

**Statutes/Other Implemented:** ORS 475C.301 & 475C.628

**History:**

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OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-8570**

**Uniform Standards for Minor Decoy Operations**

- (1) Purpose. ORS 475C prevents anyone who has not reached 21 years of age from obtaining marijuana or marijuana items. It is the Commission's intention that decoy operations are to be an impartial test of a licensee's ability and willingness to obey laws on preventing sale marijuana or marijuana items to minors.
- (2) Uniform standards for minors used in minor decoy operations:
- (a) The minor must be under 21 years of age; and
  - (b) The minor may not use false identification; and
  - (c) The minor may not lie about their age.
- (3) Uniform standards for coordination with law enforcement agencies. The Commission will coordinate with law enforcement agencies to ensure, to the greatest extent possible, that:
- (a) Law enforcement agencies are informed of the Commission's uniform standards for minor decoy operations; and
  - (b) Law enforcement agencies provide the Commission with copies of their minor decoy policies.
- (4) In order for the Commission to process violation cases in a timely manner, law enforcement agencies will be encouraged to provide the Commission with the results of any minor decoy operation.

(5) Licensees or any employee of a licensee must immediately return identification presented by the minor decoy upon request of law enforcement or an OLCC representative. [Failure to return ID as described in this section is a Category II violation.](#)

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.017

**History:**

OLCC 182-2022, minor correction filed 03/25/2022, effective 03/25/2022

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

## **845-025-8590**

### **Suspension, Cancellation, Civil Penalties, Sanction Schedule**

(1) The Commission may suspend or cancel:

(a) A license issued under ORS 475C.005 to 475C.525 or 475C.548.

(b) A marijuana worker permit issued under ORS 475C.269.

(c) A research certificate issued under ORS 475C.289.

(d) An industrial hemp certificate issued under OAR 845-025-2700 or 845-025-2705.

(e) A laboratory license issued under ORS 475C.548.

(2) The Commission may cancel a license under ORS 475C.265(1)(a) only when the conduct poses a significant risk to public health and safety. A significant risk to public health and safety includes, but is not limited to:

(a) Exercising licensed privileges while the license is suspended, or in violation of restrictions imposed on the license;

(b) Allowing minors at a processor license;

(c) Prohibited conduct involving a deadly or dangerous weapon or conduct that results in death or serious injury;

(d) Prohibited use of pesticides, fertilizers and agricultural chemicals;

(e) Diversion of marijuana, inversion of marijuana, or other conduct described in ORS 475C.185;

(f) Transferring or providing adulterated marijuana or hemp items to a licensee or consumer;

(g) Prohibited conduct by laboratory licensees as described in OAR 845-025-5075;

(h) Failure to meet testing requirements as described in OAR 845-025-5700, ~~333-007-300 to 333-007-0500 and 333, division~~ [and OAR chapter 333, divisions 7 and 64](#);

(i) Intentionally destroying, damaging, altering, removing or concealing potential evidence, or attempting to do so, or asking or encouraging another person to do so.

(3) Civil Penalties.

(a) The Commission may impose a civil penalty under ORS 475C.405. Civil penalties will be calculated by multiplying:

(A) The number of days in a suspension, if suspension could be or is being imposed, by \$165 for licensees or certificate holders for Category II(b) violations;

(B) The number of days in a suspension, if suspension could be or is being imposed, by \$250 for licensees or certificate holders for all other violation categories; or

(C) The number of days in a suspension, if suspension could be or is being imposed, by \$25 for permittees.

(b) The Commission may impose for each violation of a provision of ORS 475C.600 to 475C.644 or OAR 845-025-7000 to 845-025-7190, a civil penalty of no more than \$500 for each day the violation occurs.

(4) The Commission uses the following violation categories for licensees licensed under ORS475C.005 to 475C.525:

(a) Category I — Violations that make licensee ineligible for a license or pose a significant risk to public health and safety;

(b) Category II — Violations that create a present threat or substantial likelihood of a present threat to public health or safety;

(c) Category II (b) — Violations for sales to a minor;

(d) Category III — Violations that create a potential threat to public health or safety;

(e) Category IV — Violations that create a climate conducive to abuses associated with the sale or manufacture of marijuana items;

(f) Category V — Violations inconsistent with the orderly regulation of the sale or manufacture of marijuana items.

(5) Violation sanctions.

(a) The Commission may sanction a licensee, permittee, Commission-certified hemp grower, or Commission-certified hemp handler in accordance with the guidelines set forth in Exhibit 1, incorporated by reference. Exhibit 1 also contains the categories for the most common violations.

(b) Exhibit 1 lists the proposed sanctions for single or multiple violations that occur within a two year period for each category described in section (3) of this rule. The Commission may allege multiple violations in a single notice or may count violations alleged in notices issued within the previous two year period toward the total number of violations. In calculating the total number of violations, the Commission may consider a proposed violation for which the Commission has not yet issued a final order. [The Commission reserves the right to sanction producer licensees by imposing civil penalties without the option of suspension.](#)

(c) The proposed sanctions in Exhibit 1 are guidelines. If the Commission finds one or more mitigating or aggravating circumstances, it may assess a lesser or greater sanction, up to and including revocation. Mitigating circumstances may decrease the penalty but will not dismiss the violation. The Commission may decrease or increase a sanction to prevent inequity or to take account of particular

circumstances in the case. [The Commission may use a standard 30 percent reduction in penalties during the settlement process.](#)

(d) Mitigating circumstances include, but are not limited to:

(A) Making a good faith effort to prevent a violation. Examples of a good faith effort to prevent a violation may include employee training programs, management oversight, and the existence and enforcement of relevant policies. [This mitigation factor reduces the penalty by three percent.](#)

(B) ~~Extraordinary cooperation~~ [Cooperation](#) in the violation investigation demonstrating the licensee, permittee, certificate holder, Commission-certified hemp grower, or Commission-certified hemp handler accepts responsibility. [This mitigation factor reduces the penalty by five percent.](#)

(C) Self-reporting of a violation by a licensee or applicant. ~~This mitigating circumstance does not apply where licensee has a pre-existing duty to report to~~ [This mitigation factor reduces the Commission penalty by seven percent.](#)

(D) The licensee or applicant has demonstrated to the satisfaction of the Commission that the conduct that led to the violation is not persistent or serious. [This mitigation factor reduces the penalty by three percent.](#)

(E) The licensee or applicant has demonstrated to the satisfaction of the Commission a willingness and ability to control the licensed premises and inventory. [This mitigation factor reduces the penalty by two percent.](#)

[\(F\) The licensee or applicant was not personally involved or aware of the violation occurring. This mitigation factor reduces the penalty by a total of 10 percent.](#)

[\(G\) Repeated violations in a two-year period do not qualify for the mitigating factors described in paragraphs \(A\), \(D\) and \(E\) of this subsection on a subsequent violation of the same rule.](#)

(e) Aggravating circumstances include, but are not limited to:

(A) Receiving a prior warning about one or more compliance problems. [This aggravating circumstance increases the penalty by two percent.](#)

(B) Repeated failure to comply with laws. [This aggravating circumstance increases the penalty by two percent.](#)

(C) Failure to use age verification equipment purchased as an offset to a previous penalty. [This aggravating circumstance increases the penalty by two percent.](#)

(D) Efforts to conceal a violation. [This aggravating circumstance increases the penalty by five percent.](#)

(E) Intentionally committing a violation. [This aggravating circumstance increases the penalty by five percent.](#)

(F) A violation involving more than one consumer or employee. [This aggravating circumstance increases the penalty by two percent.](#)

(G) A violation involving a juvenile. [This aggravating circumstance increases the penalty by four percent.](#)

(H) A violation resulting in injury or death. [This aggravating circumstance increases the penalty by six percent.](#)

(I) A violation that occurred at a licensed premises that has been granted a security waiver. [This aggravating circumstance increases the penalty by two percent.](#)

(6) A licensee, certificate holder, Commission-certified hemp grower, or Commission-certified hemp handler may not avoid the sanction for a violation or the application of the provision for successive violations by changing the corporate structure for example, by adding or dropping a partner or converting to another form of legal entity when the individuals who own, operate, or control the business are substantially similar.

[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]

**Statutory/Other Authority:** ORS 475C.017

**Statutes/Other Implemented:** ORS 475C.265, 475C.405, 475C.548, 475C.628 & 475C.109

**History:**

[OLCC 185-2022, minor correction filed 03/25/2022, effective 03/25/2022](#)

[OLCC 21-2021, amend filed 12/30/2021, effective 01/01/2022](#)

[OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020](#)

[OLCC 7-2019, amend filed 04/17/2019, effective 04/17/2019](#)

[OLCC 4-2019, amend filed 02/25/2019, effective 03/01/2019](#)

[OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018](#)

[OLCC 12-2018, temporary amend filed 09/21/2018, effective 09/21/2018 through 12/27/2018](#)

[OLCC 7-2018, amend filed 07/26/2018, effective 08/01/2018](#)

[OLCC 1-2018, temporary amend filed 01/25/2018, effective 01/26/2018 through 07/23/2018](#)

[OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017](#)

[OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16](#)

[OLCC 3-2015\(Temp\), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16](#)

**OAR 845-025-8590  
Exhibit 1**

Category	1 Violation in a 2-year period	2 Violations in a 2-year period	3 Violations in a 2-year period	4 Violations in a 2-year period	5 Violations in a 2-year period	6 Violations in a 2-year period
I	Revoke					
II	30 days <a href="#">or \$7,500</a>	40 days <a href="#">or \$10,000</a>	Revoke			
<b>II (Producer)</b>	<b>\$7,500</b>	<b>\$10,000</b>	<b>Revoke</b>			

<b>II(b)</b>	30 days or \$4,950	30 days	Revoke			
<b>III</b>	10 days or \$2,500	<del>30</del> 20 days or <del>\$7,500</del> 5,000	30 days <u>or</u> <u>\$7,500</u>	Revoke		
<b>IV</b>	7 days or \$1,750	10 days or \$2,500	20 days or \$5,000	30 days <u>or</u> <u>\$7,500</u>	Revoke	
<b>V</b>	3 days or \$750	7 days or \$1,750	10 days or \$2,500	20 days or \$5,000	30 days <u>or</u> <u>\$7,500</u>	Revoke

**845-025-8760**

**Recommendation of Licensee in Good Standing for another Jurisdiction**

A current licensee of the Commission who does not have any pending violations that have not been adjudicated or has been found to be in violation of any Category II,II(b), III, IV and V in the last two years may request the Commission provide a letter representing that the licensee is in good standing and licensable by the Commission. The Commission will use the criteria described in OAR 845-025-1115 for guidance in evaluating the licensee’s request. A licensee is not eligible for a recommendation of licensee in good standing if the licensee has received a Category I violation in the last two years. The Commission will make a form available upon request for a licensee to request a recommendation of licensee in good standing.

**Statutory/Other Authority: ORS 475C.017**

**Statutes/Other Implemented: ORS 475C.017**